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General Assembly
Seventy-first session

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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 1st meeting
Held at Headquarters, New York, on Thursday, 29 September 2016, at 10 a.m.

Chair: Mr. Drobnjak ..... (Croatia)

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16-16858 (E)

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The meeting was called to order at 10.05 a.m.

Agenda item 5: Election of the officers of the Main Committees

1. **The Chair** informed the Committee that the nomination of Mr. Kullane (Somalia) for the office of Rapporteur had been endorsed by the Group of African States. He took it that the Committee wished to elect Mr. Kullane (Somalia) by acclamation.

2. *It was so decided.*

3. *Mr. Kullane (Somalia) was elected Rapporteur by acclamation.*

Organization of work (A/71/250; A/C.4/71/1; A/C.4/71/INF/1 and A/C.4/71/INF/4; A/C.4/71/L.1)

4. **The Chair** drew attention to the agenda items allocated to the Committee (A/C.4/71/1), and to the Committee's proposed programme of work (A/C.4/71/L.1). He then drew attention to the relevant rules and recommendations of the General Assembly regarding the work of the Main Committees, as contained in the report of the General Committee (A/71/250) and in Assembly decision 34/401 and resolutions 58/126 and 58/316.

5. In order to make full use of the time and conference services that had been made available to the Committee, he would convene and adjourn meetings promptly and would convene them only when there were sufficient delegations inscribed on the list of speakers. All speakers, in particular the first three at any given meeting, should be present in the Committee room on time. The Assembly had decided to continue its practice of waiving the rule that at least one quarter of the members must be present for a Main Committee meeting to be declared open.

6. On questions of procedure and organization of work, the Committee would comply strictly with the relevant provisions of General Assembly decision 34/401. In line with the time limits for explanations of vote and rights of reply, statements on points of order should be limited to 5 minutes. He suggested that statements during the general debate should not exceed 10 minutes, or 15 minutes in the case of those speaking on behalf of groups of States.

7. The Secretariat required at least 72 hours to process draft resolutions, draft decisions and amendments in all languages. With regard to the programme budget implications of proposals and rule 153 of the rules of procedure, the General Assembly had drawn attention to paragraph 12 of its decision 34/401, which made it imperative for the Main Committees to allow sufficient time for the preparation of the estimate of expenditures by the Secretariat and for its consideration by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee. The General Committee had in turn drawn the General Assembly's attention to the fact that the Secretary-General usually needed more than the 48 hours mandated in paragraph 13 (d) of decision 34/401 to review programme budget implications.

8. Under agenda item 121, entitled "Revitalization of the work of the General Assembly", the Committee would adopt its provisional programme of work for the next session, pursuant to resolution 58/316, and would consider ways of streamlining its agenda, pursuant to resolution 70/305. Agenda item 135, entitled "Programme planning", had been allocated to all the Main Committees and to the plenary Assembly, in order to enhance discussion of evaluation, planning, budgeting and monitoring reports.

9. The Committee would continue the practice of holding interactive dialogues under the agenda items relating to information, outer space, peacekeeping and the effects of atomic radiation, as well as to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Additionally, under agenda item 5, entitled "Election of the officers of the Main Committees", the Committee would elect its officers at least three months before the next General Assembly session, in accordance with Assembly decisions on revitalization, particularly those in resolutions 56/509, 58/126, 69/321 and 70/305.

10. He took it that the Committee wished to approve the proposed programme of work (A/C.4/71/L.1).

11. *It was so decided.*

12. **The Chair** drew attention to the list of documents before the Committee (A/C.4/71/INF/1), all of which had already been assigned a symbol number. Following the practice of the last few years, only limited

quantities of previously issued reports would be available in the conference room. PaperSmart services would again be offered, and delegations wishing to circulate their statements electronically should, at least one hour in advance of delivery, send a copy of the statement to the dedicated PaperSmart e-mail address.

13. As at previous sessions, the Committee would set up a working group of the whole to prepare draft resolutions for submission under agenda item 48, entitled "International cooperation in the peaceful uses of outer space". The working group would be chaired by the delegation of Canada, which had submitted the relevant draft resolution. He took it that the Committee wished to establish the group.

14. *It was so decided.*

15. **The Chair** noted that, in approving its programme of work, the Committee had decided to hold one general debate covering all agenda items relating to decolonization, namely items 54 to 58, enabling members to speak on any or all of those agenda items at any meeting devoted to the topic.

Requests for hearings

16. **The Chair** informed the Committee that he had received 133 communications containing requests for hearings relating to the questions of the Falkland Islands (Malvinas), French Polynesia, Gibraltar, New Caledonia, the United States Virgin Islands and Western Sahara under item 58. He suggested that, in accordance with the usual practice, the communications should be circulated as Committee documents for consideration at a subsequent meeting.

17. *It was so decided.*

18. **The Chair** said that he had also received communications from the President of French Polynesia, the Chief Minister of Gibraltar and the Vice-President of the Government of New Caledonia, who wished to address the Committee under agenda item 58. Their statements would be scheduled accordingly.

The meeting rose at 10.45 a.m.

United Nations A/C.4/71/SR.2

General Assembly
Seventy-first session

Official Records

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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 2nd meeting
Held at Headquarters, New York, on Monday, 3 October 2016, at 3 p.m.

Chair: Mr. Drobnjak ..... (Croatia)

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Agenda item 54: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations*

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Agenda item 56: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations*

Agenda item 57: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories*

Agenda item 58: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*)*

Requests for hearings

* Items which the Committee has decided to consider together.

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16-17057 (E)

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The meeting was called to order at 3.05 p.m.

Agenda item 54: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (A/71/23 (chaps. II to VII))

Agenda item 55: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (A/71/23 (chaps. II to VII))

Agenda item 56: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (A/71/23 (chaps. II to VII))

Agenda item 57: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (A/71/23 (chaps. II to VII))

Agenda item 58: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (A/71/23 (chaps. VIII, IX, X, XI, XII and XIII))

1. **The Chair** said that decolonization had been one of the defining issues since the establishment of the United Nations. Thanks to its untiring efforts, particularly those of its Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the vast majority of the world's population was no longer under colonial rule and many of the Organization's 193 Member States were represented at the current meeting as sovereign and independent States. The Special Committee's sterling work had been one of the hallmarks of the Organization's success since its inception. Although the Special Committee had fulfilled its mandate in many ways, its task was not yet complete.

2. **Mr. Ja'afari** (Syrian Arab Republic), Rapporteur of the Special Committee on decolonization, introducing the report of the Special Committee on its work in 2016 (A/71/23), said that, in view of the recent developments in New Caledonia and French Polynesia, some of the draft resolutions contained in chapter XIII of the report needed to be updated. Accordingly, in draft resolution XVIII on the question of New Caledonia, a twelfth preambular paragraph should be inserted to read as follows:

"*Noting* the admission of New Caledonia as a full member of the Pacific Islands Forum at the forty-seventh Pacific Islands Forum, convened in Pohnpei, Federated States of Micronesia, from 8 to 10 September 2016".

3. In draft resolution XIX on the question of French Polynesia, a sixteenth preambular paragraph should be inserted to read as follows:

"*Noting* the admission of French Polynesia as a full member of the Pacific Islands Forum at the forty-seventh Pacific Islands Forum, convened in Pohnpei, Federated States of Micronesia, from 8 to 10 September 2016".

4. During its substantive session in June 2016, the Special Committee had continued to analyse developments in the 17 remaining Non-Self-Governing Territories, guided by the principles set forth in the Charter of the United Nations, relevant resolutions and the goals of the Third International Decade for the Eradication of Colonialism, which reaffirmed the Special Committee's vital role in advancing the decolonization agenda. The Special Committee had also held its Pacific regional seminar, which had again been graciously hosted by the people and Government of Nicaragua and had focused on commitments and actions for decolonization in the Territories.

5. In its consideration of the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, the Special Committee had taken into account its decision at its 2015 session to address those Territories under separate resolutions starting from its 2016 session in order to ensure that adequate time was devoted to each one, and to accord them dignity.

6. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela), speaking as the Chair of the Special Committee on decolonization, said that, despite the progress made since the adoption of the Declaration, decolonization was now in a phase of stagnation. During its 2016 session, the Special Committee had continued to monitor implementation of the Declaration for the 17 remaining Non-Self-Governing Territories.

7. Thanks to the generous hospitality of the Government of Nicaragua, the Special Committee had again held its Pacific regional seminar in Managua. An unprecedented number of Special Committee members had attended the seminar, which had allowed the representatives of the Non-Self-Governing Territories, together with members of academia and civil society, to engage in frank exchanges on how the decolonization process could advance and how the Special Committee could improve its work. It was clear that the commitment did not fall on the shoulders of a few and that the entire international community must join forces to end colonialism. Unfortunately, only one specialized agency had attended the opening meeting and no funds, programmes or specialized agencies had participated in the discussions.

8. Pursuant to General Assembly resolution 69/107 (2014), the Bureau had met with the Secretary-General on 10 June 2016 to discuss recent efforts to advance the decolonization agenda, including the outcome of the regional seminar. The Special Committee's membership had participated actively in the 13 meetings held from February to June 2016. The Special Committee had considered the situations of the 17 Non-Self-Governing Territories and Puerto Rico, as well as thematic issues such as information transmitted under Article 73 *e* of the Charter of the United Nations; dissemination of information; economic and other activities affecting the interests of the peoples of the Territories; implementation of the Declaration by the specialized agencies; and visiting missions. In 2016, the Special Committee had broken up the "omnibus" resolution covering 11 Non-Self-Governing Territories in order to ensure that appropriate attention was given to the unique situation of each Territory. As a result, the Special Committee had adopted 22 resolutions without a vote, nearly double the number of resolutions adopted in 2015. He hoped that the members of the Fourth Committee would give positive consideration to the 19 draft resolutions submitted to it by the Special Committee and recommended for adoption by the General Assembly.

9. After 20 years, the Special Committee had revived the Week of Solidarity with the Peoples of Non-Self-Governing Territories in order to strengthen the right of those peoples to self-determination, taking into account their particular situations on a case-by-case basis. The Special Committee encouraged the United Nations and its Member States to continue supporting and participating in that extraordinary endeavour in order to strengthen the international community's resolve to put an end to colonialism in all its forms.

10. The Special Committee attached great importance to enhancing dialogue and cooperation with the administering Powers to advance the decolonization mandate. The Bureau planned to hold informal consultations with the administering Powers and other stakeholders to hear their views and define cooperation in line with the responsibilities of administering Powers to implement self-determination. Moreover, visiting missions were an effective way for the Special Committee to assess the situation in the Territories and engage directly with them. The Special Committee was currently reviewing proposals made during the regional seminar and the substantive session, as well as the feasibility of visiting a Territory.

11. Genuine dialogue would benefit all parties, especially the peoples of the Territories. The cooperation and political will of the administering Powers and other stakeholders would help the Territories accelerate their respective decolonization processes. Civil society also played an important role. The United Nations system and the entire international community shared the responsibility for decolonization and everything possible must be done to accelerate the process and achieve the eradication of colonialism by the end of the Third International Decade.

12. Speaking on behalf of the Movement of Non-Aligned Countries, he said that the Movement attached great importance to the universal goal of decolonization and fully supported the aspirations of peoples under colonial rule to exercise their legitimate right to self-determination. The existence of colonialism in any form, including economic exploitation, contradicted both the Declaration on decolonization and the Universal Declaration of Human Rights. The Movement called on the United Nations to fulfil its responsibilities and expedite the process of decolonization to achieve the complete eradication of colonialism, in accordance with the Declaration on decolonization, relevant General Assembly resolutions and the Charter of the United Nations. It stressed, once again, the importance of the recommendations contained in the Final Document of

the seventeenth Summit Conference of Heads of State or Government of Non-Aligned Countries, held in September 2016.

13. The Movement emphasized the important role played by the Special Committee, which needed to find different ways to enhance its efficiency in order to improve its interaction and cooperation with administering Powers and ensure the active participation of the peoples of the Non-Self-Governing Territories in determining their own future. In the meantime, the Movement urged the administering Powers to show full support for the activities of the Special Committee and to cooperate fully with that United Nations body. The Movement remained committed to playing its part in ensuring that tangible progress was made towards eradicating colonialism during the Third International Decade for the Eradication of Colonialism. It also urged all administering Powers to pay full compensation for the economic, social and cultural consequences of their occupation of the respective Territories.

14. The United Nations should ensure that the economic and other activities carried out by the administering Powers did not affect the interests of the peoples of Non-Self-Governing Territories, including their cultural identity and heritage, but instead promoted development and assisted them in exercising their legitimate right to self-determination. In addition, the Movement urged Member States to fully implement the decisions and resolutions of the United Nations Educational, Scientific and Cultural Organization (UNESCO) concerning the return of cultural property to the peoples that had been or continued to be under colonial rule or foreign occupation.

15. The Movement reaffirmed its position on the question of Puerto Rico, which was set out in the Final Document of its seventeenth Summit Conference of Heads of State or Government, in which the Movement reaffirmed the right of the people of Puerto Rico to self-determination and independence in accordance with General Assembly resolution 1514 (XV) and urged the General Assembly to actively consider the question of Puerto Rico in all its aspects. It expressed concern at legislation adopted by the United States Congress to impose a fiscal control board on the government of Puerto Rico that would infringe upon that government's limited power over its budget and fiscal and other affairs. The Movement was also concerned that the United States Solicitor General had recently stated that the events of 1950-1952, whereby the people of Puerto Rico had adopted a constitution, had not altered its constitutional status as a territory, which contradicted the statements made by the United States in 1953 when it had requested to be exempted from reporting on Puerto Rico under Article 73 *e* of the Charter of the United Nations. Lastly, the Movement continued to support the Palestinian people's inalienable right to self-determination and an independent and viable State of Palestine, with East Jerusalem as its capital, on the basis of the relevant international resolutions.

16. **Mr. Cortorreal** (Dominican Republic), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that all peoples around the world should be able to exercise their inalienable right to self-determination. CELAC remained fully committed to the goal of the Third International Decade for the Eradication of Colonialism and called on the administering Powers to cooperate with the Special Committee and to adopt the measures necessary to attain the rapid decolonization of each of the Non-Self-Governing Territories, some of which were in the CELAC region, while taking the individual situations of the Territories into account, including the fact that some of them were "special and particular" colonial situations involving sovereignty disputes. The administering Powers should regularly communicate accurate information on each of the Territories under their administration. At the January 2016 CELAC Summit, the Heads of State and Government of the Community had renewed their commitment to continue working to make Latin America and the Caribbean a region free of colonialism.

17. CELAC supported the work of the Department of Public Information, including the use of the six official languages on the decolonization website, although it stressed the importance of ensuring that content was regularly updated in all languages. It appreciated the measures taken to provide coverage of Special Committee meetings on United Nations Web TV in 2016 and urged the Department of Political Affairs and the Department of Public Information to ensure the widest dissemination of information on decolonization,

including the coverage of all meetings of the Special Committee.

18. CELAC strongly supported the legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as reaffirmed by the Heads of State and Government of CELAC at their most recent Summit. At that Summit, they had stated their abiding interest in the resumption of negotiations by the Governments of the Argentine Republic and the United Kingdom in order to find, as soon as possible, a peaceful and definitive solution to the dispute, in accordance with the relevant resolutions of the United Nations and the Organization of American States. They had also called on the Secretary-General of the United Nations, once again, to renew his efforts to fulfil the mission of good offices entrusted to him by the General Assembly with a view to the resumption of negotiations, and to report on the progress made. CELAC further reiterated the importance of observing General Assembly resolution 31/49 calling on both parties to refrain from adopting unilateral measures, and highlighted the ongoing constructive attitude and willingness of the Argentine Government to negotiate a peaceful and definitive solution to the dispute.

19. With regard to the Special Committee's 35 resolutions and decisions on Puerto Rico reaffirming the inalienable right of the Puerto Rican people to self-determination and independence, the Heads of State and Government of CELAC had highlighted the Latin American and Caribbean character of Puerto Rico at the 2016 Summit and recalled the Havana Declaration of 2014 calling for progress on the question of Puerto Rico.

20. Continued efforts were needed to facilitate the sustained and balanced growth of the fragile economies of the small island Territories of the Caribbean and the Pacific. Those Territories should be allowed to exercise their right to self-determination. When the will of the majority of the indigenous population was unequivocal, the administering Powers should not directly or indirectly thwart that will. CELAC therefore remained concerned at the situation in the Turks and Caicos Islands, and underscored the need for the people of that Territory to participate meaningfully in determining their own future. Similarly, special attention should be paid to key issues affecting small islands, such as accelerating loss of territory due to natural disasters and rising sea levels resulting from climate change.

21. CELAC endorsed all resolutions adopted by the General Assembly and the Security Council regarding Western Sahara, including General Assembly resolution 70/98, and reiterated its strong support for the efforts of the Secretary-General and his Personal Envoy for Western Sahara to reach a just, lasting and mutually acceptable political solution leading to the self-determination of the people of Western Sahara, in accordance with the Charter of the United Nations and General Assembly resolution 1514 (XV).

22. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela), speaking on behalf of the Union of South American Nations (UNASUR), said that colonialism violated the fundamental tenets of democracy and freedom, and it was therefore unacceptable that, in the twenty-first century, 17 Non-Self-Governing Territories remained. Member States should intensify efforts to bring an end to colonialism in all its forms, and UNASUR would continue to support the work of the Special Committee on decolonization to that end. Throughout their history, the peoples of South America had fought valiantly to obtain their independence and put an end to foreign domination.

23. The historical and legal aspects of the question of the Malvinas Islands ruled out any solution based on the principle of self-determination, as had been initially recognized in General Assembly resolution 2065 (XX). In a 2013 declaration (A/68/856), UNASUR had expressed support for the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as well as the region's abiding interest in the resumption of negotiations between the Governments of Argentina and the United Kingdom in order to find, as soon as possible, a peaceful and definitive solution to the sovereignty dispute in accordance with relevant international resolutions. That declaration had also highlighted the ongoing constructive attitude and willingness of the Argentine Government to negotiate a definitive solution. A 2010 UNASUR declaration (A/65/812) had rejected the exploration and exploitation by the United Kingdom of non-renewable

natural resources on the Argentine continental shelf, which UNASUR saw as a violation of General Assembly resolution 31/49 calling on the parties to refrain from unilateral measures.

24. In a 2012 declaration (A/66/815), the UNASUR Council of Ministers for Foreign Affairs had strongly objected to the military presence and exercises of the United Kingdom in the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and described those activities as contrary to the regional policy of seeking a peaceful solution to the dispute. A further special declaration adopted in 2012 (A/67/728) had rejected the notion of a "referendum" for the Islands, as the principle of self-determination was not applicable.

25. UNASUR reaffirmed all United Nations resolutions on Western Sahara and supported the efforts of the Secretary-General and his Personal Envoy to achieve a political solution and facilitate the exercise of self-determination. Lastly, the States members of UNASUR, as part of the Latin American and Caribbean region, affirmed the inalienable right of the Puerto Rican people to self-determination and independence and called on the General Assembly to review the colonial question of Puerto Rico in a comprehensive manner.

26. **Mr. García Moritán** (Argentina) said that the Special Committee played a central role in the decolonization process and that his Government fully supported United Nations leadership in that process in accordance with the Charter and General Assembly resolution 1514 (XV). That resolution had made it clear that there was more than one form of colonialism and had established self-determination and respect for territorial integrity as the two principles of decolonization applicable in different situations. The remaining 17 Non-Self-Governing Territories must be decolonized, taking into account the specificity of each case.

27. As a champion of the right to self-determination in all cases in which that right was applicable, Argentina could not accept the use of that principle to violate the territorial integrity of existing States. Following its forcible occupation of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and its expulsion of the Argentine authorities and population in 1833, the United Kingdom had implanted its settlers and strictly controlled migration policies, with which it continued to determine the composition of the territory's population. Recognizing that the population of the islands was not a people subjected to colonialism, General Assembly resolution 2065 (XX) had characterized the question of the Malvinas Islands as a "special and particular colonial situation" that involved a sovereignty dispute to be settled through negotiations between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland, taking into account the interests of the inhabitants of the islands.

28. Since the adoption of resolution 2065 (XX) and for nearly two decades, Argentina and the United Kingdom had engaged in substantive negotiations and considered several proposals for settling the dispute; documents had even been drafted attesting to the United Kingdom's agreement to recognize Argentine sovereignty over the islands. During those negotiations, the two countries had cooperated on practical matters related to the welfare of the inhabitants of the islands. His Government had committed to upholding the interests and way of life of the British citizens living in the Malvinas Islands, in accordance with the Argentine Constitution.

29. Although the 1982 conflict, which had taken place while Argentina had been governed by a military dictatorship, had had tragic repercussions for both Argentina and the United Kingdom, the nature of the dispute had not changed. Since then, the United Kingdom had repeatedly refused to resume negotiations, ignoring the calls made by numerous international and regional organizations and forums. Those entities had also decried unilateral exploration and exploitation of renewable and non-renewable natural resources in the disputed area. In that regard, he thanked the Group of 77 and China for its recently adopted ministerial declaration, in which it reiterated its recognition of the Argentine Government's rights in respect of the unilateral activities involving the exploration and exploitation of hydrocarbons in the disputed area.

30. Since taking office in December 2015, Argentine President Mauricio Macri had expressed his willingness to open a new chapter in bilateral relations with the United Kingdom. The joint statement issued by the two Governments in September 2016 reflected

their intent to resume dialogue on all aspects of the South Atlantic, under the formula on sovereignty that preserved Argentine rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. In closing, he reiterated the call on the United Kingdom to engage in that dialogue with a view to settling the long-standing dispute in an amicable manner.

31. **Mr. Elshandawily** (Egypt) said that Egypt attached great importance to the right to self-determination and that all peoples under colonial rule should be able to exercise that right in accordance with the Charter of the United Nations and General Assembly resolution 1514 (XV). Noting the need to achieve tangible progress in that regard, he expressed surprise that the same Member States that purported to be champions and guarantors of human rights continued to oppose the right to self-determination. He reiterated his Government's support for the inalienable right of the Palestinian people to self-determination and independence in a fully sovereign and viable State of Palestine, with East Jerusalem as its capital, in accordance with internationally recognized resolutions and the most fundamental humanitarian principles.

32. **Mr. Dehghani** (Islamic Republic of Iran) said that the existence of colonialism in any form, including political, social, cultural and economic exploitation, was incompatible with the Charter of the United Nations and the Declaration on decolonization. As a result, the United Nations should speed up the decolonization process in the remaining Non-Self-Governing Territories with a view to completely eliminating colonialism in accordance with those instruments and the relevant General Assembly resolutions.

33. His delegation was concerned at the exploitation of the natural resources of the Non-Self-Governing Territories by administering Powers, and recalled that the latter should avoid any activities that could adversely affect the interests of the peoples under their administration, including their cultural, social and economic integrity. The military activities of administering Powers in certain Territories were a source of particular concern. The administering Powers should cooperate with the United Nations and its Special Committee on decolonization by facilitating visiting missions in the Territories under their administration. In addition, they should ensure the timely submission of information in accordance with Article 73 *e* of the Charter of the United Nations to assist the Secretariat in its preparation of working papers on the Territories concerned. The political, economic, social and educational advancement of the Non-Self-Governing Territories during the decolonization process was a prerequisite for any decision to change their status.

34. Although his Government fully supported the work of the Special Committee, the latter should adopt more effective working methods, improve its interaction and cooperation with administering Powers, and ensure the active participation of the peoples of Non-Self-Governing Territories in determining their own future.

35. **Mr. de Aguiar Patriota** (Brazil) said that the Government of Brazil maintained its long-standing support for Argentina's legitimate rights in relation to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. It was regrettable that, more than 50 years after the adoption of the first General Assembly resolution on the matter, and against the backdrop of the Third International Decade for the Eradication of Colonialism, the dispute had still not been resolved. Since the Malvinas formed part of the territory of Argentina, the principle of territorial integrity was applicable. In contrast, the principle of self-determination was not applicable, as the British population on the islands had been implanted during an illegal occupation after the Argentine inhabitants had been expelled. A solution to the dispute would require dialogue between the two parties, and in that vein Brazil welcomed the recent high-level contacts between Argentina and the United Kingdom. The "special and particular" colonial situation in question was a sovereignty dispute that had lasted for nearly 200 years and remained a major pending issue on the global agenda.

36. Concerned at the violations of General Assembly resolution 31/49, Brazil urged the United Kingdom to cease its unilateral exploration and exploitation of natural resources in the disputed area. Furthermore, in a spirit of solidarity, and in accordance with the principle set out in that resolution, Brazil did not authorize the use of its ports or airports by vessels or

aircraft heading to the Malvinas Islands, as that could imply introducing unilateral modifications in the situation.

37. Echoing the resolutions and declarations adopted by various regional forums on the subject, his delegation believed that a negotiated solution was the only option, and urged the Secretary-General to continue his good offices in that connection.

38. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela) said that colonialism constituted the most flagrant violation of international law and the Charter of the United Nations, and was an affront to human dignity. The United Nations had a moral obligation to assist all peoples that were still suffering under obsolete colonial systems. Some administering Powers had no intention of completing the decolonization process and were instead exploiting the natural resources of the Territories under their control while attempting to alter the demographic, political, economic, social and cultural situation of those Territories as they saw fit. His delegation called on the colonialist States to abide by the relevant General Assembly resolutions, guarantee the right to self-determination and independence for the Territories under their control and put an end to colonialism. In addition, all Member States should take concrete actions to support the aspirations of those oppressed by colonialism to achieve freedom and independence.

39. Venezuela supported the right to self-determination and independence of the people of Puerto Rico and called on the United States Government to end its colonial domination of that island and its people, which had caused a severe economic and social crisis, and also to release the political prisoner Oscar López Rivera. The General Assembly should consider the question of Puerto Rico in all its aspects.

40. The continued plundering of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas by the United Kingdom, in contravention of international law, was outrageous. The United Nations considered the question of the Malvinas to be a violation of Argentina's territorial integrity and therefore a sovereignty dispute between the two States concerned, and the principle of self-determination did not apply. The Governments of Argentina and the United Kingdom should resume negotiations in order to find a peaceful and negotiated solution to the dispute in accordance with international law.

41. His delegation reiterated its solidarity with and commitment to the self-determination and independence of the people of Western Sahara. His delegation hoped that the negotiation process driven by the United Nations would be resumed, with a view to organizing the referendum on self-determination that had thus far been blocked in contravention of General Assembly and Security Council resolutions. Venezuela was concerned at the Moroccan attempts to promote "supervised autonomy" in Western Sahara, which was outside the 1991 settlement plan. Venezuela also condemned recent obstacles to Sahrawi independence, including recent actions that directly affected the mediation efforts of the United Nations and the United Nations Mission for the Referendum in Western Sahara.

42. Venezuela also wished to speak out against the occupation of Palestine and the colonial process undertaken there by the occupying Power, Israel, in violation of international law. Venezuela reiterated its firm support for a two-State solution to that tragic situation and called for an end to violence against Palestinians.

43. **Mr. Skinner-Klée** (Guatemala) said that the sovereignty dispute between Argentina and the United Kingdom had been defined as a "special and particular" colonial situation because of its distinctive characteristics. The territorial integrity of Argentina had been violated in 1833 through the forced occupation of part of its territory and the displacement of the population. Since then, Argentine settlement in the Malvinas Islands had been prevented, and the occupying Power had transferred some of its own population to that part of Argentine soil; the case thus involved a colonized territory, not a colonized people. In keeping with paragraph 6 of the Declaration on decolonization, the United Nations had therefore specifically ruled out the possibility of applying the right to self-determination to the question of the Malvinas Islands. That year marked the fifty-first anniversary of the adoption of General Assembly resolution 2065 (XX). Argentina had already indicated its willingness to resolve the situation through dialogue and negotiation, and it was to be hoped that the United

Kingdom would play its part to find a just, peaceful and lasting solution to the dispute.

44. Guatemala fully supported all General Assembly and Security Council resolutions on the question of Western Sahara and reiterated its support for the efforts of the Secretary-General and his Personal Envoy to help the parties find a just, lasting and mutually acceptable political solution to the conflict. It urged the parties to continue to show political will and establish a climate conducive to dialogue, in order to enter into a more substantive phase of negotiations. A solution to the question was necessary, not only for the people of Western Sahara, but for the stability, security and integrity of the Maghreb region.

45. **Mr. Barros Melet** (Chile) said that the administering Powers should take the measures necessary to ensure that a rapid process of decolonization could be completed for the remaining Non-Self-Governing Territories, and should transmit adequate information on the Territories under their control in accordance with Article 73 *e* of the Charter of the United Nations.

46. The question of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas concerned a special and particular colonial situation involving a sovereignty dispute. Chile reaffirmed the legitimate rights of Argentina over those Islands and maritime areas, in accordance with the relevant United Nations resolutions, and urged Argentina and the United Kingdom to resume negotiations with a view to reaching a solution as soon as possible. His delegation called on the Secretary-General to continue his mission of good offices with a view to reaching a peaceful settlement of the dispute, and highlighted the willingness of Argentina to negotiate a lasting solution. Lastly, his country praised the Department of Public Information for its efforts to disseminate the work of the Special Committee on decolonization, inter alia by keeping the United Nations decolonization website updated in all six official languages.

47. **Mr. Sandoval Mendiolea** (Mexico) said that the inalienable right of peoples to self-determination was a guiding principle in the foreign policy of Mexico. The United Nations should continue its involvement in the process of decolonization, particularly within the framework of the Third International Decade for the Eradication of Colonialism.

48. Mexico supported efforts to find a just and lasting solution to the conflict in Western Sahara, in accordance with the relevant Security Council and General Assembly resolutions, and called on the parties to make genuine progress and engage seriously on the two basic issues: the substance of a political solution and the means of achieving self-determination. A referendum should be held to enable the Sahrawi people to exercise their right to self-determination and choose from all options for their future. His delegation reiterated its support for the United Nations Mission for the Referendum in Western Sahara (MINURSO), which was an important guarantor of the ceasefire, and joined the calls for measures to ensure that MINURSO was able to effectively fulfil its mandate. In particular, it was vital that Security Council resolution 2285 (2016) should be implemented. Furthermore, Mexico reiterated its support for the efforts of the Secretary-General and his Personal Envoy, which were essential to the achievement of a just, lasting and mutually acceptable political solution.

49. Mexico recognized the legal and historical rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Argentina and the United Kingdom, on the basis of their shared values, should continue to seek a peaceful, just and lasting solution to the conflict, in accordance with the relevant resolutions of the United Nations and other multilateral forums. Mexico called on the parties to refrain from unilateral actions that would breach those resolutions and to make use of the good offices of the Secretary-General.

50. **Mr. Webson** (Antigua and Barbuda) said that completion of the decolonization process would require ongoing open dialogue between the administering Powers, the Special Committee on decolonization and the peoples of the Territories concerned. His Government stood by the guiding principles of the Charter of the United Nations and relevant General Assembly resolutions, and called for a negotiated and mutually acceptable political solution to all disputes. All parties concerned should implement and comply fully with the mandates established by the Security Council. They should also show the requisite

political will and work in a manner conducive to dialogue. Political, economic, human rights and security concerns should remain at the forefront of all negotiations.

51. As the interests of dependent Territories were paramount, the Committee should agree to promote social, economic, political and educational progress in the Territories, assist in the development of appropriate forms of self-government and take into account the political aspirations and stages of development and advancement of the peoples of each Territory. All stakeholders should be willing to compromise in the interest of achieving the Committee's goals.

52. **Mr. Sanabria Rivarola** (Paraguay) said that his country remained committed to completing the decolonization process and eliminating the scourge of colonialism, a relic of the past that had harmed some and benefited others. Paraguay supported the principle of self-determination for the original populations of colonized territories and, while it understood the difficulty of balancing the interests of the original population, the population implanted by colonization and the administering Power, the United Nations must act in line with its doctrine, which clearly gave precedence to the rights of indigenous populations. Visible progress had been made in the decolonization process, thanks largely to the political will of States. However, the decolonization process went beyond the efforts of any particular Government and was not a government initiative; instead, it was a social demand rooted in the political aspirations of indigenous peoples. General Assembly resolutions 1514 (XV) and 1541 (XV) were the most useful and transparent instruments for guaranteeing the full exercise of sovereignty, integration or autonomy.

53. Argentina and the United Kingdom should resume negotiations as soon as possible in order to find a lasting and peaceful solution to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. His delegation commended the constructive attitude of the Argentine Government and its continued willingness to explore all avenues towards a peaceful solution to the dispute.

54. **Mr. Mendoza-García** (Costa Rica) said that his country fully supported the decolonization process and the right to self-determination, which should be exercised in a democratic manner and with full respect for human rights and the territorial integrity of States. The Special Committee on decolonization played an important role in that process and his delegation trusted that it would use the best means to ensure implementation of the Declaration on decolonization, the provisions of relevant General Assembly resolutions and the measures approved in the context of the Third International Decade for the Eradication of Colonialism. His delegation urged the administering Powers to transmit the information required under Article 73 *e* of the Charter of the United Nations.

55. Costa Rica recognized the sovereign rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and Argentina's legitimate claim had been supported by various General Assembly resolutions. Since 1965, the General Assembly and the Special Committee had categorically declared that the sovereignty dispute constituted a "special and particular colonial situation". His delegation called for respect for the principles of General Assembly resolution 1514 (XV) and urged the parties to resume negotiations to resolve the fifty-year-old impasse.

56. There was a direct link between sovereignty, democracy and compliance with international law. As a result, the United Nations must facilitate the resolution of the international disputes on its agenda in accordance with the values of democracy, human rights, justice and international law. Costa Rica continued to support a just, lasting and mutually acceptable political solution in Western Sahara, in line with the principles and provisions of international law, including General Assembly resolutions 1514 (XV) and 1541 (XV). The United Nations Mission for the Referendum in Western Sahara (MINURSO) did valuable work and it must continue to fulfil its mandate, which should be expanded to include human rights monitoring in both Western Sahara and the Tindouf camps.

57. **Ms. Carrión** (Uruguay) said that efforts to bring an end to colonialism should be strengthened and cooperation and dialogue between administering Powers and Territories promoted. Uruguay defended the right of the Sahrawi people to self-determination. Talks between Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro

(Frente Polisario) must be resumed as soon as possible, in good faith and with a view to achieving a just, lasting and mutually acceptable political solution that provided for the self-determination of the people of Western Sahara, pursuant to the Charter of the United Nations and relevant United Nations resolutions. Her delegation supported the efforts of the Secretary-General and his Personal Envoy in that connection and called on both parties to cooperate with the United Nations to implement measures ensuring full respect for human rights in Western Sahara and the refugee camps. Uruguay was concerned at the repercussions of the Moroccan decision to withdraw part of the civilian component of MINURSO; that unilateral decision had altered the operating conditions of a peacekeeping mission mandated by the Security Council and had set an alarming precedent. Uruguay also regretted the deterioration in the situation in the Guerguerat area as a result of Moroccan road works beyond the berm.

58. Uruguay was a firm supporter of the principle of self-determination, but that principle was not applicable to the case of the Malvinas, to which another guiding principle applied, that of the territorial integrity of States. The legitimate Argentine claims of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were historically, legally and geographically justified. Successive General Assembly and Special Committee resolutions had defined the sovereignty dispute between Argentina and the United Kingdom as a special and particular colonial situation which could be resolved only through a negotiated peaceful solution between the two parties concerned. It was therefore essential for the two parties to resume negotiations to find a just, peaceful and lasting solution to the dispute in line with the Charter of the United Nations and the relevant resolutions and declarations of the United Nations and the Organization of American States. The parties should also refrain from taking unilateral measures that would jeopardize such a solution. The renewed efforts of the Secretary-General to fulfil the mission of good offices entrusted to him by both the Special Committee and the General Assembly would be a major step towards a resumption of negotiations.

Statements made in exercise of the right of reply

59. **Mr. Perry** (United Kingdom) said that his country had no doubt regarding its sovereignty over the Falkland Islands, South Georgia, the South Sandwich Islands and the surrounding maritime areas, or regarding the right of the Falkland Islanders to self-determination in accordance with the Charter of the United Nations and the two International Covenants on human rights, in order freely to determine their political status and pursue their economic, social and cultural development. Therefore, no dialogue on sovereignty was possible unless the Falkland Islanders so wished. The 2013 referendum, in which 99.8 per cent of the participants had voted to remain an overseas territory of the United Kingdom, had sent a clear message that the people of the Islands did not want a dialogue on sovereignty. Argentina continued to deny that such fundamental human rights applied to those people, which contravened the principles of the Charter.

60. Claims that hydrocarbon exploration in Falkland waters represented unilateral action were false. The decision by the previous Argentine Government to target assets and employees of hydrocarbon companies was politically motivated and an unacceptable attempt to exercise extraterritorial jurisdiction without legal justification, with dangerous implications for global business and free trade. Hydrocarbon exploration in the area was a legitimate commercial venture regulated by the legislation of the Falkland Islands government, in strict accordance with the United Nations Convention on the Law of the Sea. Argentine domestic law did not apply to the Falkland Islands. The operations of international companies working in those areas, which were subject to stringent international regulations and regular inspections, had wider economic benefits for the region and should not be subject to unlawful outside sanctions. His delegation welcomed the recent United Kingdom-Argentina joint communiqué indicating that appropriate measures would be taken to remove all obstacles limiting the economic growth and sustainable development of the Falkland Islands, including in trade, fishing, shipping and hydrocarbons.

61. The United Kingdom was also clear that no civilian population had been expelled from the Falkland Islands in 1833. An Argentine military garrison had been sent there earlier in an attempt to

impose Argentine sovereignty over British sovereign territory, but the United Kingdom had expelled that military garrison, and the civilian population that had previously sought British permission to remain had been encouraged to do so. The territorial borders of the Argentine Republic in 1833 had not included the southern half of its current form or any territory in the Falkland Islands, Antarctica or South Georgia and the South Sandwich Islands. The province of Tierra del Fuego, to which Argentina claimed the disputed Territories belonged, had only become part of Argentina circa 1883, whereas British sovereignty over the Falkland Islands dated back to 1765, some years before the Argentine Republic had even existed. The United Kingdom had never implanted any civilian population; all civilians had been born there or had migrated voluntarily from various countries, including Argentina, during the nineteenth century.

62. **Mr. Mazzeo** (Argentina) said that his delegation reaffirmed the statements made by the President of Argentina at the current session of the General Assembly and by the Minister for Foreign Affairs of Argentina before the Special Committee in June 2016. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an integral part of the national territory of Argentina. The Territory had been illegally occupied by the United Kingdom and was therefore the subject of a sovereignty dispute that was recognized by a number of international organizations and by successive General Assembly resolutions calling on the Governments of Argentina and the United Kingdom to resume negotiations in order to find a peaceful and lasting solution to the dispute as soon as possible. That position had also been endorsed by the Special Committee and the Organization of American States.

63. Argentina regretted Great Britain's attempts to conceal the act of usurpation it had committed in 1833, which had been protested repeatedly by Argentina. Those attempts to distort history revealed the United Kingdom's lack of certainty about the lawfulness of its position with respect to the status of the archipelagos concerned. Instead of trying to refute historical facts whose occurrence it had already acknowledged, the United Kingdom should honour the commitment it had made to seek a just and definitive solution to the sovereignty dispute through bilateral negotiations with Argentina, in compliance with General Assembly resolution 2065 (XX).

64. The principle of self-determination, which was the only basis invoked by the United Kingdom in support of its position, was manifestly inapplicable to the dispute in question, as affirmed by the General Assembly and in statements adopted by multilateral forums. The illegitimate vote in the Malvinas Islands was a unilateral action undertaken by the United Kingdom that did not resolve the dispute or affect the inalienable rights of Argentina or the work of the Special Committee. The 2013 referendum had been a tautological exercise in which British subjects had been asked whether they wished to remain British, and could not resolve the sovereignty dispute. The interests of the inhabitants of the Malvinas Islands were and should be addressed by resolutions of the General Assembly and by the Constitution of Argentina.

65. Argentina rejected the continuing unilateral exploration and exploitation by the United Kingdom of renewable and non-renewable natural resources in the maritime areas surrounding the Malvinas Islands, in violation of international law and resolutions of the General Assembly, including resolution 31/49. While reaffirming its legitimate sovereignty rights, Argentina reiterated its willingness to resume bilateral negotiations with the United Kingdom to settle the dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

Requests for hearings

66. **The Chair** drew attention to 133 requests for hearings under agenda item 58, one relating to the Falkland Islands (Malvinas) (A/C.4/71/2), 18 relating to French Polynesia (A/C.4/71/3), one relating to Gibraltar (A/C.4/71/4), four relating to New Caledonia (A/C.4/71/5), three relating to the United States Virgin Islands (A/C.4/71/6) and 106 relating to Western Sahara (A/C.4/71/7). He took it that the Committee wished to grant those requests.

67. *It was so decided.*

The meeting rose at 5.35 p.m.

United Nations A/C.4/71/SR.3

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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 3rd meeting
Held at Headquarters, New York, on Tuesday, 4 October 2016, at 3 p.m.

Chair: Mr. Drobnjak ..... (Croatia)

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The meeting was called to order at 3.05 p.m.

Agenda item 54: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/71/23 (chaps. VII and XIII) and A/71/68)

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Agenda item 58: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*) (A/71/23 (chaps. VIII, IX, X and XIII), and A/71/224)

1. **Mr. Oyarzun Marchesi** (Spain) said that, year after year, his country had addressed the Committee regarding the illegal occupation of the isthmus of Gibraltar and Spanish sovereignty over the territorial waters — neither of which had been ceded to the United Kingdom — and, above all, reiterated United Nations doctrine regarding the decolonization of that territory. Spain had consistently invited the United Kingdom, its friend and ally, to comply with the United Nations mandate and to enter into negotiations on Gibraltar. In the light of the recent United Kingdom vote to leave the European Union, Spain was therefore renewing its offer with a sense of urgency. Under the European treaties, a British exit ("Brexit") would also imply the exit of Gibraltar, marking a radical shift in the Territory's relationship with Spain and entailing significant consequences for Gibraltar, whose economic model was based on full participation in the European Union internal market, and for the adjacent Spanish district of Campo de Gibraltar, whose economy was closely interconnected with the Territory's given the major presence of Spanish workers in Gibraltar itself.

2. Consequently, Spain had formally invited the United Kingdom to open negotiations on a joint sovereignty agreement to ensure that the provisions of the European Union treaties would continue to apply to Gibraltar. In a post-Brexit European Union, that would only be possible if there was a political tie between Gibraltar and Spain. The offer was in no way an obligation; Gibraltarians were invited to study it in depth as they would want to participate in any future negotiations and their officials would be welcome to do so as part of the British delegation. While Spain would never relinquish its just claim for a definitive solution to the question of Gibraltar in line with the relevant General Assembly resolutions and the Charter of the United Nations, it was determined to work with the United Kingdom to reach an agreement.

3. The proposal entailed four major points: possible dual-nationality status for Gibraltarians; maintenance of Gibraltarian self-governance institutions within the framework of a wide-ranging system of autonomy and in compliance with the Spanish constitutional system; maintenance of the Territory's special tax regime, insofar as it was compatible with European Union law; and dismantling the fence separating Gibraltar from the rest of the Iberian Peninsula. Spain and the United Kingdom would retain joint authority over matters of defence, foreign affairs, control of external borders, immigration and asylum.

4. Far from being an attempt to interfere in the lifestyle, customs, or traditions of Gibraltar, the proposal had been devised in consideration of his country's historic claims and with the socioeconomic well-being of the region and of the thousands of cross-border workers and businesses in mind. It would benefit all parties, solving a number of pre-existing problems and those that could arise following a United Kingdom exit from the European Union. It would end a centuries-old dispute between two allies and provide a new foundation for strengthening Hispano-British relations. The Gibraltarian economy would continue to enjoy the advantages of access to the European Union internal market and Spain would propose exceptions that took into account the special situation of Gibraltar and were compatible with European Union law. Furthermore, pending European Union legislation

would be unblocked in such important areas as justice and home affairs, aviation and the environment. Gibraltarians opting for dual nationality would continue to benefit from all of the advantages of being European Union citizens. The dismantling of the fence could lead Spain to consider a comprehensive approach to economic development, maximizing the potential of the port and airport of Gibraltar and opening up business opportunities. Accompanied by an investment plan for Campo de Gibraltar, the offer would facilitate movement of workers and visitors and improve the lives of Gibraltarians.

Agenda item 58: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of representatives of Non-Self-Governing Territories and petitioners

5. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

Question of French Polynesia (A/C.4/71/3)

6. **Mr. Fritch** (President of French Polynesia) said that his country had never officially addressed the Committee since its re-listing as a Non-Self-Governing Territory in 2013 and therefore it was time to convey the views of the majority of his people — those favouring autonomy, not independence. Firstly, the independence movement had never obtained a majority in any election conducted in French Polynesia, and never once had the Polynesian people expressed a wish to secede from the French Republic.

7. Secondly, the repercussions of nuclear testing concerned all Polynesians, regardless of political or religious affiliation. The pro-independence petitioners appearing before the Committee during the sixty-eighth session of the General assembly had failed to mention that France had been paying an annual nuclear indemnity of US$180 million, nearly 15 per cent of its annual budget, since 1996. They had also neglected to say that France had officially recognized the consequences of nuclear testing since 2010, setting up a mechanism for financial compensation of victims or their families throughout French Polynesia. Furthermore, he questioned the need for an additional paragraph on that issue in the Committee's draft resolution given that in 2016, the President of France had acknowledged the health, environmental and economic consequences of nuclear testing and the need for reparations. The Government of French Polynesia and relevant organizations were making every effort, in collaboration and open dialogue with France, to improve a compensation system that was gradually bearing fruit.

8. Thirdly, it was false to imply that the French Government was confiscating his country's natural resources. It was clear from the autonomy statutes that French Polynesia had the right to explore and exploit the subsurface natural resources in its territory and exclusive economic zone. Furthermore, France had just accepted his request to amend the statutes to clarify the recognition of those rights. Rare minerals had indeed been discovered in French Polynesia in 1989, but had yet to be exploited because his country lacked both the means and the backing of the population to do so. Paragraph 6 of the draft resolution was, therefore, pointless. Lastly, his country's acceptance as a full member of the Pacific Islands Forum, with the full support of France, proved that the 16 member States of that organization saw French Polynesia as their equal and that France had anything but a colonial attitude.

9. With 70 per cent of the electorate consistently opting for an autonomous status, the re-listing of French Polynesia was not only incomprehensible, but also contrary to the wishes of the population, which saw no need for external arbitration by the United Nations and were perfectly aware that their history and way of life differed from that of mainland, European France. However, they had a realistic view of how their country, small in size and population, must deal with an interdependent world and globalized trade. French Polynesians comprised 80 per cent of the population and were not oppressed, excluded or denied the human, political, economic and social rights to which all French citizens were entitled. The 70 inhabited islands all had schools, health centres and airports, and the GDP stood at $20,000 per capita.

10. French Polynesia was not a utopia — social inequalities existed, but they were the result of his

country's own managerial shortcomings, not the consequences of some imagined colonialism. He respected the rights and freedoms of those who fought for independence, having known and engaged with them for years. However, the petitioners that would follow, representing the pro-independence minority, would try to paint a bleak picture of French Polynesia, which he hoped his first address before the Committee would serve to put into perspective.

11. **Mr. Temaru**, speaking in his personal capacity as chair of the Tavini Huira'atira no te Ao Ma'ohi party and Mayor of Faa'a, Tahiti, said that since the re-listing of the Territory, the administering Power had been in a state of denial but continued to conduct back-office manoeuvres and flex diplomatic muscle in the Pacific region and within the United Nations. In a recent communiqué, the Ma'ohi Protestant Church, supporting the quest for the freedom and full sovereignty of the indigenous people and lamenting the French Government's disregard for the consequences of 30 years of nuclear testing, had announced its decision to take legal action against France before the International Criminal Court for crimes against humanity.

12. The Church had also welcomed draft resolution A/AC.109/2016/L.24 adopted by the Special Committee. A petition launched in September 2016 to reaffirm the Ma'ohi people's support for full sovereignty and the Special Committee resolution had been signed by over one quarter of all registered voters and 40 per cent of voters participating in the 2013 territorial elections. Those numbers could not be ignored, as the ever-growing list of signatures reflected the desires and determination of a people looking to the United Nations for support.

13. **Mr. Tevi** (Vanuatu) asked Mr. Temaru to update the Committee on the evolution of the political situation in French Polynesia since its re-listing as a Non-Self-Governing Territory.

14. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela) asked Mr. Temaru for further details on the current political situation in French Polynesia.

15. **Mr. Rai** (Papua New-Guinea), welcoming the valuable information provided on the domestic, regional and international state of affairs in French Polynesia, asked Mr. Fritch on what grounds the Government based its request for delisting French Polynesia; what plans, if any, had been devised to that end; and how the Government was working with the administering Power and the proponents of self-determination to meet the objectives of the 2030 Agenda for Sustainable Development. He then asked Mr. Temaru whether he agreed with the position of the new Government of French Polynesia that the Territory should be delisted and, if so, on what basis.

16. **Mr. Fritsch** (President of French Polynesia) said that French Polynesia had sufficient powers to govern and cater to the needs of its people; France remained responsible only for national security, the judiciary, foreign affairs and the CFP franc, which was pegged to the euro. It was true that there were shortcomings regarding some of the powers devolved to French Polynesia, owing to a lack of financial and human resources. However, they could be overcome over time through the capacity-building efforts already under way. Furthermore, French Polynesia still had the authority to negotiate and conclude bilateral and regional agreements in the Pacific, as its neighbours could attest. Reinscription on the list was therefore unfounded.

17. **Mr. Temaru** (Mayor, city of Faa'a, Tahiti) said that since the re-listing of French Polynesia, the Protestant Church had made an unprecedented show of support for the full sovereignty of his people and that there had been thousands of signatures supporting the draft resolution of the Special Committee. Recalling that his country had been on the list until 1946, whence it had been removed by France without the consent of his people, he said that if there was true justice, his fellow petitioners would not be appearing before the Committee.

18. **Mr. Geros**, speaking in his personal capacity as a Council Member of Paea, Tahiti, said that the establishment of municipalities in French Polynesia under article 72 of the French Constitution created a divide within the local government. The 48 municipalities had no real autonomy, as decisions were taken by the administering Power, via the French Parliament, instead of through the local elected officials. Such interference fuelled financial, institutional and political tensions and created a structural paradox that clearly undermined the principle of administrative freedom for local authorities enshrined in the administering

Power's own Constitution. That was substantiated by an official report, adopted by the French Senate, that called for greater respect for the rights of local authorities.

19. Yet, the administering Power continued its attempts to divide and conquer, using the municipalities to obstruct self-governance in French Polynesia. Any opposing political or democratic expressions from within French Polynesia were systematically blocked, as evidenced most recently by the intentional delay in implementing the results of a referendum, in which 99 per cent of the residents of a town had voted in favour of full municipality status. Furthermore, the 2016 Conference of mayors of French Polynesia had issued an ultimatum to the local authorities to clarify the policy on how public funding to all 48 municipalities would be sustained. He therefore reaffirmed the validity of General Assembly resolutions calling for a genuine self-determination process overseen by the United Nations.

20. **Ms. Teura** (Council Member, City of Tumaraa), said that the colonial immigration policy, imposed by France on the people of French Polynesia, was unsuited to the Non-Self-Governing Territory or its traditions, did not fit its vision and culture of migration, and completely hindered its economic development.

21. French citizens, and indeed those of any member State of the European Union, could enter freely and re-settle in the Territory, gaining the right to vote after only six months' residence. The right to vote should reflect knowledge of the land and the people, but the voice of the native Polynesian people was being drowned out. According to the 2012 census, 30,400 non-native settlers had come to French Polynesia since 2007. Re-settlers frequently arrived with fixed contracts that protected them from the labour crisis affecting young, educated Polynesians. Only 7.5 per cent of those immigrants were unemployed, compared to 22.6 per cent of the resident population.

22. Immigration also adversely affected the tourism industry. The local government had no control over which tourists could visit, could not adopt a tourism policy, and could not modify tourist visa requirements to grow the economy. The administering Power decided that only European Union citizens and those of 54 other countries could enjoy their beautiful islands. Even their Pacific cousins were not included in that Paris-issued list. Finally, given that there was no proper spouse visa in the French system, foreigners married to indigenous people had more difficulties than Europeans not married to a French or Polynesian person.

23. **Mr. Taerea** (BlueDJEUNS Association Punaauia), said that, regardless of the French Constitution or the Organic Law of 2004 governing their autonomous Territory, the local employment protection system in French Polynesia existed only on paper. It was not implemented by the local Congress because local legislation was hobbled by criteria that served only the interests of the administering Power and did not protect and preserve the labour rights of the local people.

24. In 2009, the first attempt to adopt local legislation was rejected by the administering Power because the self-serving colonial criteria were not met. In 2016, a second attempt was boycotted and the administering Power threatened a lawsuit against the legislation. Those attacks demonstrated the sensitivity of the issue for the administering Power, which did not seek to promote local sustainable development. While France endorsed the concept of local preference in employment, it did not support a single labour policy drafted in French Polynesia, owing to motives dating back to the colonial period of the Pacific Experimentation Centre and the subsequent French nuclear tests in the Territory. That period had deeply unsettled French Polynesia's economic, social and cultural development and created a tremendous gap between the ruling business class and wealthy European landowners, and the regular Polynesian people who were silent victims of that economic model and its corrupt distribution of wealth and opportunities.

25. Sadly, the same model persisted even 40 years later, and economic disparity and racial segregation were on the rise. Any French Polynesian legislation protecting local employment that affected those private interests was blocked by the administering Power through its local allies, significantly affecting the Territory's ability to enact laws and regulations to limit the increasing impact of preferred immigrants from France and thus protect its people's employment opportunities, increase local capacity and ensure sustainable development in the islands.

26. **Mr. Chailloux**, speaking in his personal capacity as a professor of Tahitian language at the University of Hawai'i at Manoa, said that French Polynesia's indigenous languages undergirded its ancient culture and indigenous identity, safeguarding the expression of a particular worldview forged by its ancestors, history and traditions.

27. Therefore, the language of French Polynesia must always be regarded as the heart of a priceless heritage of that country, which had struggled for more than 136 years of French political and linguistic colonization. The Tahitian language, the most prominent Polynesian language in the five archipelagos, had long held official and equal status to that of French. However, in 1992, Article 2 of the French Constitution was revised, robbing Tahitian of its rightfully official status and making it impossible for bicultural reality of French Polynesia to be recognized. The administering Power's refusal to acknowledge the people's unique culture and history relegated them to the status of a synthetic population.

28. The European Charter for Regional or Minority Languages was intended to protect and promote those languages and their use in the public and private sector. Although France was a signatory of the charter, it had continued to categorically refuse ratification, claiming that the Charter contained clauses that contravened the French Constitution. In 2015, proposed amendments to the Constitution which would allow ratification were rejected in the French senate.

29. He called for the international community's support in strongly urging France to subscribe to the process of decolonization and ratify that Charter so as to acknowledge, among other things, the Territory's most legitimate right to officially exist as an indigenous people with land, a culture and a native tongue.

30. **Ms. Minarii Galenon** (Vahini Miri Rava, Tahiti), said that the educational system in French Polynesia was controlled by the administering Power, despite the illusion that control was delegated to their local government. By covertly threatening to cease funding, the administering Power intruded on every aspect of education through exams and administrative organization. French Polynesia was treated as if it were just another French district when it was supposed to be autonomous. Given that only France could issue national diplomas, Polynesians were implicitly forced to copy French educational programmes. Power was given by one article of law, then taken away by another, with catastrophic results for Polynesian youth.

31. Of all its overseas territories, French Polynesia placed last on the French Development Agency's Human Development Index. It was penalized for its limited social performance, including its level of education, which was the lowest among all the French overseas territories. Only 54 per cent of French Polynesian children entering first grade would become high school seniors, compared to 83 per cent of French children.

32. The greatest tragedy of the French colony was its illiteracy. Between 38 to 42 per cent of its young people were illiterate, compared to 10 per cent in France. She wondered how that could be called sustainable development after 40 years of autonomy. The imposed French educational system was clearly not adapted to the majority of the Polynesian people, and the consequences of failing schools on their lives were deep and long-lasting. The administering Power's continuous threat of funding reductions hung like the sword of Damocles over the local government, forcing it to accept numerous violations of its own political competencies.

33. **Ms. Cross** (Council Member, City of Teva i uta), said that the administering Power maintained financial and economic control over French Polynesia through its multinational corporations. Currently, Electricité de Tahiti (EDT) had a monopoly on the production and distribution of electrical energy on the Territory's islands. EDT was a subsidiary of the French multinational company Engie, the third-largest energy corporation in the world, of which the administering Power was the largest shareholder. To further monopolize that energy market, Engie ran gas- and oil-providing companies to which EDT outsourced all its work at highly inflated rates. The locally elected representatives were ill-equipped to face those large multinational corporations, which dictated regulations and rules through their strong lobby.

34. In 2007, her local Congress addressed the issue of the multinational corporations' monopolies and the prohibitive rates they charged to the people of French Polynesia. However, a General Code of Territorial Collectivities establishing obligations of municipalities

for tap water distribution, sanitation and waste management was adopted in Paris in 2008 without debate and imposed on all municipalities, including those of French Polynesia (over the objections of the locally elected government). Despite the failure to appropriate the materials and financial resources for those obligations, violations of those obligations were subject to penal and electoral sanctions. Lacking expertise and resources, most local officials were forced to delegate the implementation of those services to mainland companies that charged extremely high rates.

35. **Mr. Cross**, speaking in his personal capacity as an honorary lawyer of Papeete, said that, despite the praise bestowed by the administering Power and the pro-French political factions in French Polynesia on the merits of the Territory's autonomous status since 1977, its justice system remained under France's full control. While France had delegated a few of its statutory executive and legislative competencies to the local government, it covetously kept the judicial branch in hand, giving rise to unequal access to the legal professions among other issues. Any new Polynesian judge must practice in the French courts for 10-15 years before becoming a judge in the Territory. Unsurprisingly, of the 42 judges assigned to the justice courts in French Polynesia, only one Polynesian was to be appointed in 2016, the first since 1958. Moreover, while all Polynesian languages could be freely spoken and written in the courts in conformity with free access to legal services, the local assembly's attempts since 2001 to provide translation services for all Polynesian languages had failed because of clear opposition from the administering Power. Free translation services were not provided at any court throughout the entire Territory.

36. Although long established by the Organic Law of 2004, the Land Tribunal would not operate until 2017. That delay made it clear that resolving the issues created by more than 160 years of colonization was not a priority for the administering Power, whose continued control of the justice system in the Territory was a violation of the Declaration on decolonization and General Assembly resolution 2625 (XXV).

37. **Mr. Bessedik** (Algeria) wished to clarify the procedure for questioning petitioners. In previous sessions, each statement had been followed by specific questions, but that did not appear to be the current procedure.

38. **The Chair** repeated that, given the unprecedented number of current petitioners, he was allowing them one minute to respond to follow-up questions. Delegations should indicate their wish to speak by pressing the microphone button before petitioners finished their statements so that the Chair could immediately give them the floor.

39. **Mr. Bessedik** (Algeria) said that that procedure was unacceptable in instances where there were several questions and only one minute to respond, because those questions were related to colonization, one of the worst human rights violations. He therefore asked the Chair to re-examine that procedure.

40. **The Chair** noted the comment and recalled that when he had allowed four questions, he had not strictly observed the one-minute rule, but was obliged to observe the three-minute rule. He assured the representative that he would do his utmost to accommodate everyone's needs in that very important debate.

41. **Mr. Quenot** (Director, Office of the President of the Corsican Assembly) said that, although Corsica, New Caledonia and French Polynesia were widely separated, they spoke with a single voice that day. Some of the similarities between Corsica and French Polynesia included their insularity and experience with colonial reality. Following Algeria's independence in 1962, France had sought new territories for its nuclear experiments and chose Corsica. Only after Corsicans had denounced that violation of their land did France move its testing sites to the South Pacific, causing damage that had been invisible to those in mainland France, but irreversible for Polynesians.

42. **Mr. Conroy**, speaking in his personal capacity, said that the first French nuclear test on 2 July 1966 at Mururoa atoll was twice as powerful as the Hiroshima bomb. The International Atomic Energy Agency (IAEA) had measured the radioactivity level that day on Mangareva, an islet close to Mururoa, as 142 times higher than that of the Chernobyl exclusion zone. A document classified as a defence secret recorded that the radioactive fallout from that first blast had been detected everywhere in French Polynesia in the following days. Despite the catastrophic findings from

the very outset of the programme, France had continued to carry out those atmospheric detonations until 1974, producing 203 incidents of radioactive fallout throughout the Territory's inhabited islands.

43. Despite launching information campaigns to show that its nuclear tests posed no danger to the population, France had poisoned the entirety of the Polynesian people, their descendants and their environment with the ionizing radiation emitted by those tests. According to the Institute for Radiological Protection and Nuclear Safety, radioactivity continued to be present in the soil and water of all the Polynesian archipelagos.

44. During his February 2016 visit, the French president had acknowledged the serious consequences of nuclear tests in French Polynesia, but had not said a single word about repentance or reparation for the physical and spiritual damages incurred, and still less on dealing with the victims' suffering. However, following the speaker's 2012 petition, France had, via an official letter dated 5 July 2016, recognized that his spouse, who had died of myeloma, had been a victim of nuclear tests. By acknowledging for the first time that a Polynesian resident who had lived 1,200 kilometres away from the test site had been a victim of those tests, the colonial power had admitted that all the Polynesian people had been exposed to, contaminated and rendered ill by the radioactive fallout from its nuclear tests. He wondered whether those factors did not amount to a veritable crime.

45. French Polynesia called upon France to provide the full truth on how many people had died contaminated like his spouse, as well as how many had been disabled for life by radiation-induced illnesses for who knew how many generations.

46. **Ms. Tevahitua** (Te Vahine Ma'ohi no Manotahi) said that from 1966 to 1996 the administering Power had conducted 193 nuclear tests in the Mururoa and Fangataufa atolls in French Polynesia. Radioactive fallout from those tests, totalling 900 times the yield of the Hiroshima bomb, had directly and repeatedly contaminated all the islands' people and their descendants, against whom the administering Power had perpetrated an insidious nuclear genocide.

47. Since establishing the Cancer Registry in 1985, the local Ministry of Health had noted an increased number of medical evacuations of locals to the mainland and New Zealand for cancer treatments, an increased number of new cancers reported each year and a higher incidence of blood and thyroid cancers in the Territory as compared to Polynesians in New Zealand and Hawaii.

48. The health legacy of those tests was currently nothing less than catastrophic. Almost 8,000 people with nuclear radiation-induced illnesses had been identified by French Polynesia's Social Insurance Fund, yet only seven French Polynesian patients had been compensated by France's Committee for Compensation of Victims of Nuclear Testing to date; with 500 new cases that year alone, there was a sense that the atrocity was inexorable.

49. Noting the resolution adopted by the Special Committee on decolonization in June 2015, requesting the Secretary-General to provide continuous updates to his report on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia (A/69/189), she urged the Secretary-General to broaden the scope of those requirements to include independent reports offering a comprehensive analysis of the impact of nuclear testing from a historical and technical standpoint. She also reiterated earlier calls for the United Nations Scientific Committee on the Effects of Atomic Radiation to add the impact of nuclear testing in the martyred occupied French Polynesia to their substantive work programme.

50. **Mr. Galenon** (Conseil Économique Social et Culturel de la Polynésie Française) said that, while no nuclear tests had been conducted on French soil, 193 were conducted in Polynesia. Those crimes against Mururoa and Fangataufa and their homeland were a part of their sad, dramatic history. In 2005, military personnel were the first to be compensated for nuclear tests in Algeria and French Polynesia. In 2006, the French Polynesian Economic, Social and Cultural Council had published a report recommending that the French Government recognize and take full responsibility for that nuclear reality.

51. The Morin Law, enacted in 2010, aimed to compensate every person afflicted with one of the 18 illnesses listed therein. In 2011, a French representative proposed an agreement on reimbursing expenses for radiation-induced illnesses to the French Polynesian social insurance fund, to which the Fund

responded by sending the French Government a schedule of associated expenses incurred since 1992. By January 2015, that continuously-updated schedule contained 7,489 victims of 21 nuclear radiation-induced illnesses (two-thirds of whom had passed away), with expenses reaching $514,272,000. To date, only three cases had been reimbursed by the administering Power.

52. That deceitful law required that vulnerable victims prove their eligibility to a reimbursement committee whose criteria were unrealistic and inconsistent, although it had at its disposal all the responses classified as defence secrets for the past 50 years. The indigenous victims were thus unable to compile an application eligible for reimbursement. He wondered how one could explain to French Polynesians afflicted with fatal, radiation-induced illnesses that they had been exposed to only harmless and insignificant quantities of it, or that military personnel and on-site workers, who had supposedly been equipped with dosimeters, received better treatment. In February 2016, the administering Power's court had again rejected the Fund's requests. However, as a champion of human rights, France must pay its moral and financial debt to the indigenous victims. The fact that it had ceded policy jurisdiction in health matters to the local French Polynesian authorities did not diminish its obligations and responsibilities.

53. Pouvanaa Oopa, an anti-colonialist figure who had been imprisoned and exiled for having opposed nuclear tests and had passed away in 1977, had yet to be rehabilitated by France. Protesting for such a cause was not separatist, racist or anti-French — it was simply taking cognizance of one's rights. Since 1957, France had justified its nuclear tests by emphasizing the benefits of colonization. However, French Polynesia has reached record rates of unemployment and its prisons were the most inhumane in France. He urged Committee members to support the resolution adopted by the Special Committee on 27 June 2016.

54. **Mr. Gooding**, speaking in his personal capacity as a pearl farmer from Rikitea Island, said that, eight days following the first blast in July 1966, a physician then on a field mission in Mangareva had compiled a damning report filled with the official lies of army personnel, which gave rise to the theory of "clean" tests. Not only had the French State imposed its nuclear tests on the Polynesian people through a manipulated vote, it had also falsified the amount of fallout in Mangareva. The local population had been massively contaminated as of the first explosion in 1966 and had suffered an inexplicably high rate of infant mortality between 1966 and 1974. To date, whole families were gravely ill and almost all afflicted with a thyroid imbalance.

55. Thus, on behalf of his people and of all French Polynesian victims of those lies and injustices, he asked that truth and justice should be served with regard to the nuclear situation in French Polynesia, that the Polynesian people should officially express themselves on that subject through a local referendum like that initiated by Association 193, and that epidemiological studies should be conducted. He also supported that Association's request for a specialized group to assist the victims of the nuclear tests throughout the five archipelagos of French Polynesia in preparing reimbursement applications for their family members, living or dead. After fifty years of lies and suffering, the persistence of such indifference only demonstrated a lack of humanity.

56. **Mr. Chan** (Association Te Rau Atiati) said that the 2005 French constitutional law on the environmental charter stipulated that everyone had the right to live in a balanced and healthy environment, and that each person must contribute to repairing the damage he or she had caused the environment. The 46 atmospheric and 147 underground nuclear tests conducted from July 1966 continued to wreak havoc on the French Polynesian environment, having produced 368 incidents of radioactive fallout throughout the entire Territory, according to a report issued by the Ministry of Defence in 2006 and documents declassified in 2013. Moreover, 3,200 tons of contaminated materials (vehicles, space rockets, airplanes and radioactive waste of all grades) had been dumped into the ocean near the Hao and Mururoa atolls; tons of radioactive waste of every grade had been discharged into the Mururoa lagoons, and highly-radioactive materials were stored in wells dug in that atoll.

57. Most importantly, two wells located less than 50 meters from the ocean contained radioactive waste in violation of international regulations for storing such waste. Despite General De Gaulle's assurances

that "all measures had been taken so that no harm of any kind would be inflicted on the populations of French Polynesia", the 147 underground explosions had strongly destabilized the geological structures of Mururoa: large faults had appeared; the exterior slopes of the southern zone had collapsed in three places; and a severe risk of collapse existed in the northern zone, which had been weakened by 20 underground tests. He wondered how one could guarantee that the inhabitants of the Tureia atoll, 100 kilometres distant, were not in any danger. Considering the radioactivity levels and presence of plutonium in the seabed, the Mururoa and Fangataufa atolls were definitively unsuitable for any ordinary human activity. He thus requested, in conjunction with actions taken by Association 193 and on behalf of his association and others in French Polynesia, that the French State should provide reparation by restoring the Hao atoll, in which plutonium had been stored under a 10-centimetre slab along with industrial waste in enormous quantities; demolish all contaminated and ruined structures on over thirty islands or atolls; and implement a safety plan for the population of the Tureia atoll by enforcing the constitutional law on the environmental charter.

58. **Mr. Uebe Carlson** (Association 193) said that the 193 nuclear blasts detonated in French Polynesia, one every two months for a period of thirty years, were in the aggregate 800 times more powerful than the Hiroshima bomb; French Polynesia was thus a nuclear dustbin completely poisoned by France. In reply to the statements made by President Fritsch, he asserted that the situation in the Territory was in fact catastrophic. Over 7,000 cases of illness were recorded between 1992 and 2012 and over 500 persons became ill every year. The high, trans-generational rate of illness meant that the majority of children suffered from breast cancer, thyroid problems and congenital defects. If that was not a sad picture, he asked why more than 50,000 Polynesians had, in only two months, signed a petition calling for a local referendum.

59. Many among the population exhibited the illnesses listed in the ineffective Morin Law, which claimed that the risks were negligible and prevented the victims from finding a solution to their suffering. They were told that there was no evidence those illnesses were linked to the nuclear trials. French Polynesian children were completely ignorant of their own history, but were told they did not need to understand it. However, a people unaware of its own history could never rise above it. The Mururoa atoll risked collapse at any moment, but French Polynesians were told that nothing critical would happen. If France allowed itself to be known as the homeland of human rights and dared to speak of genuine equality, the French Government must fully assume its responsibilities.

60. **Mr. Tuheiava** (Member of the Assembly of French Polynesia) said that it was imperative for his nation to regain permanent sovereignty over its natural resources, a primary source of wealth creation. Not only did it have no control over its raw materials, French Polynesia was also powerless against the spoliation especially of such strategic resources as cobalt, manganese and rare earths, to serve the interests of France, the administering Power. Furthermore, revenue generated by a French tax on commercial planes flying over French Overseas Territories, such as French Polynesia, should benefit the local economy. Under its space programme, the administering Power, had launched almost 50 per cent of the world market in satellites since 1963, a considerable number of which traversed the exclusive economic zone of French Polynesia daily. The inclusion in the draft resolution before the Committee of a provision urging the administering Power to ensure French Polynesia's permanent sovereignty over its natural resources, including marine resources and undersea minerals, was welcome. On the other hand, the removal of French Polynesia from the list of Non-Self-Governing Territories was a source of dissatisfaction, as that constituted a violation of its right to self-determination.

61. **Mr. Tevi** (Vanuatu) asked how the recent designation of French Polynesia as a managed maritime area had affected the Territory's control of its marine resources, and whether there were other resources not presently available to the Territory that could advance its economic stability.

62. **Mr. Otto** (Palau) asked Mr. Tuheiava to explain to the Committee why an updated report by the Secretary-General on the impact of nuclear testing in French Polynesia was necessary.

63. **Mr. Ramírez Carreño** (Venezuela) asked Mr. Tuheiava how he would organize the review of the results of the report of the Secretary-General.

Including the views of petitioners in such reports would make it possible to better reflect the reality on the ground.

64. **Mr. Bessedik** (Algeria) asked Mr. Tuheiava to elaborate on the issue of exploitation of natural resources in the Territory.

65. **Mr. Tuheiava** (Member of the Assembly of French Polynesia) said that most of the petitioners from French Polynesia had missed the opportunity to comment on the 2014 report of the Secretary-General on the environmental, ecological, health and other impacts of nuclear testing in French Polynesia because of the report's late release. The report — based on information supplied by only two of the 21 agencies consulted, contained a great deal of obsolete information on the health and environmental consequences of nuclear testing, was unacceptably incomplete, and did not reflect unreleased information on certain military aspects of the nuclear tests. Furthermore, it failed to mention the recognized risk of collapse of the reef crown at the site of nuclear tests, where radioactive remains could still be found.

66. Although the administering Power had adopted legislation recognizing the need to provide compensation to the victims of the tests, it had failed to implement it. Meanwhile, in November 2014, the local Assembly had adopted a resolution calling on France to acknowledge the colonial nature of its 193 nuclear tests in the Territory, marking the first time that both pro-France and pro-independence groups had joined in doing so. Between 1992 and 2016, the equivalent of approximately $500 million in French Pacific Francs was paid for the health expenses of inhabitants of French Polynesia officially affected by nuclear-related diseases.

67. There were several categories of natural resources under the control of the administering Power. Deep-sea resources, for example, were managed by the local government, except those qualified as "strategic" by the administering Power. All revenue earned from the exploitation of those resources lined French coffers, an unacceptable situation that also impeded the decolonization process.

68. **Mr. Brotherson**, speaking in his personal capacity as a deputy mayor of Faa'a, Tahiti, said that France had initially opposed the idea of French Polynesia joining the Pacific Islands Forum as a full member. However, wishing to mitigate the diplomatic blow dealt by the re-listing of French Polynesia as a Non-Self-Governing Territory, and also seeking to reaffirm its presence in the region, France had begun to support the idea of full membership. Not having achieved full autonomy, it was clear that French Polynesia's upgrade to full membership in the Forum was based on cultural, economic, as well as political reasons related to France's lobbying.

69. **Mr. Zvachula** (Micronesia) and **Mr. Rivero Rosario** (Cuba) asked Mr. Brotherson whether the upgrade to full membership to the Pacific Islands Forum had resulted in improvements to the structure of governance in French Polynesia.

70. **Mr. Brotherson** said that the set of so-called competencies of the local government had neither been updated nor improved since 2004. Because no important decisions could be made without permission from the French capital, the French Polynesian member of the Pacific Islands Forum, a decisional entity, was nevertheless unable to make decisions.

71. **Mr. Corbin** (Dependency Studies Project), noting that the Project was devoted to the analysis of non-independent governance models, said that in establishing the substantive basis for the re-listing of French Polynesia as a Non-Self-Governing Territory, a self-governance assessment had been undertaken to ascertain the level of self-government according to recognized international standards. Self-governance indicators, derived from the minimum standards of self-government as set out in international instruments, were used to diagnose the nature of a Territory's political status. Those indicators had been formulated with specific reference to small island non-independent countries and were used to classify the relationship between Territories and administering Powers.

72. With specific reference to French Polynesia, a number of indicators pertaining to the constitutional and political dimension, the economic and social dimension, and the military and strategic dimension had been analysed. The assessment had concluded that the Territory was indicative of a dependency governance arrangement which had been modernized in form and nomenclature over time, but not in substance. It had found that there remained a significant political imbalance and a high degree of

unilateral control exercised by the administering Power in the political, socioeconomic and strategic areas, among others, with significant democratic deficiencies, such as the full control by the administering Power of the judicial system. Because the Territory exercised a form of delegated authority that could not be unilaterally reversed, it was ultimately determined that French Polynesia did not meet the recognized international standards for the full measure of autonomous self-government. That had provided the substantive basis for the re-listing of French Polynesia as a Non-Self-Governing Territory in 2013. In that connection, the resolution adopted by consensus in the Special Committee should also be adopted by the Fourth Committee and its implementation monitored closely. It should be recalled that even colonialism by consent was colonialism nevertheless.

Question of Gibraltar (A/C.4/71/4)

73. **Mr. Picardo** (Chief Minister of Gibraltar) said that it was necessary to place the defamatory remarks made by the representative of Spain in their proper context. The Committee should recall that in 1966 Spain had rejected the formal offer made to it by the United Kingdom to settle the dispute before the International Court of Justice, instead choosing to pursue its claim through blackmail and the economic strangulation of Gibraltar. Spain had refused to bring its case to the Court because it had actually ceded sovereignty over Gibraltar by legal treaty to Britain over 300 years previously. Even a recent ruling of the Court of Arbitration for Sport, an international tribunal, had acknowledged Britain's sovereignty.

74. Gibraltar could enjoy the potential prosperity mentioned by the representative of Spain if that Government would cease to hinder it. And although it might seem reasonable on its surface, Spain's call for bilateral negotiations with the United Kingdom was not, because Gibraltarians would be excluded from the talks, and the only outcome acceptable to Spain would be its annexation of Gibraltar.

75. The Spanish Government saw the Brexit as an opportunity to advance its territorial claim. It had offered Gibraltar a way to preserve its ties with the European Union while also bombarding it with threats of what could happen should it refuse. Although the majority of Gibraltarians had voted to remain in the European Union, Gibraltar was not prepared to give up sovereignty in order to do so. It had already made its desire to remain British quite clear in two free and fair referendums.

76. Gibraltar was willing to participate in resumed talks in the trilateral Forum for Dialogue on Gibraltar, where it could work together with Spain to address shared challenges. Unfortunately, however, the Spanish Government seemingly relished the prospect of taking over Gibraltar against its will, and was attempting to use the United Nations decolonization process and the Brexit in its favour.

77. The Spanish Government's suggestion that the General Assembly not approve visiting missions to Territories that were subject to sovereignty disputes was illogical and counterproductive. Objective fact-finding was valuable and the Committee should visit to establish the truth for itself.

78. **Mr. Buttigieg** (Self-Determination for Gibraltar Group), echoing the remarks made by the Chief Minister of Gibraltar, said that the Committee now had a legal decision from an international tribunal vindicating the position of Gibraltar. Given its modern relationship with the United Kingdom, Gibraltar was de facto no longer a colony and had attained a non-colonial level of self-governance. If that was not sufficient to be removed from the list of Non-Self-Governing Territories, the Committee should indicate the requisite course of action, for Gibraltarians had been asking to be de-listed for close to a decade.

79. The Committee should send a visiting mission to Gibraltar, in line with its mandate, as its inaction only emboldened Spain to continue making threatening statements and devising political machinations designed to bring into question the sovereignty of Gibraltar. Any purportedly friendly remarks made by the representative of Spain should be viewed in the light of its behaviour towards its own autonomous communities as well as Gibraltar.

Question of New Caledonia (A/C.4/71/5)

80. **Mr. d'Anglebermes** (Vice-president, Government of New Caledonia) said that at the Special Committee's regional seminar in May 2016, he had updated the Special Committee on the most recent actions of the Committee of Signatories of the Nouméa Accord,

specifically addressing the electoral dispute concerning the provincial and regional elections and the referendum on self-determination. On 5 June 2015, the members of that Committee had supported an amendment to the organic law on New Caledonia that would simplify the formalities for registration on the special electoral roll for the referendum.. He had emphasized that the method of compiling the electoral rolls must be unassailable. A constructive discussion at the 4 February 2016 meeting of that Committee had led to clear commitments being undertaken, among them the decision that the dispute over pre-2015 registrations on the special provincial electoral rolls was settled from a political standpoint. In order to ensure that the forthcoming referendum on self-determination would be genuine and uncontested, his Government had sought the assistance of United Nations observers in the special administrative committees tasked with compiling the electoral rolls.

81. Turning to his Government's international role, he noted that New Caledonia's gradual decolonization process had allowed the Territory to formulate its own foreign policy under the Nouméa Accord. A member of several regional intergovernmental organizations, New Caledonia maintained active bilateral relations with its regional partners, on the basis of bilateral cooperation agreements. New Caledonia had been admitted to the Pacific Islands Forum — the region's sole political organization — as a full member in 2016, which was a powerful regional acknowledgement that the Territory belonged, not only geographically but also politically and economically. It looked forward to participating fully in the Forum's decision-making processes and activities, both within and outside the region. As Chair of the next ministerial conference of the Pacific Community, his Government would organize the first European Union-Pacific summit in July 2017, part of an overall effort to advance Pacific interests in conjunction with other regional organizations, particularly with regard to environmental preservation, climate change mitigation and sustainable management of the oceans.

82. In collaboration with the French Government, the Government of New Caledonia had established the Natural Park of the Coral Sea in 2014 and was working to produce a management plan. The management committee, which included national institutions, traditional forums, environmental associations and marine experts, would focus its discussions on the preservation of sites of interest in terms of conservation. New Caledonian coral reefs classified as pristine — accounting for 30 per cent of all such reefs worldwide — were central to that initiative.

83. His Government was working with others in the Pacific region on initiatives aimed at formulating a sustainable ocean management policy. However, ocean conservation must be approached in the broader context of climate change mitigation. In that connection, New Caledonia's efforts to implement the Paris Agreement on Climate Change involved mitigation and adaptation actions.

84. The Territory's current fast track to regional and international integration contributed directly to its decolonization process and was in line with the principle of shared sovereignty set out in the Nouméa Accord. In that context, the Territory would become a member of the International Organization of La Francophonie and the World Health Organization's Regional Committee for the Western Pacific, as well as an associate member of the United Nations Educational, Scientific and Cultural Organization, which had declared New Caledonia's lagoons a World Heritage Site.

85. **Mr. Rai** (Papua New Guinea), stressing the importance of the preparation for the 2018 referendum on self-determination in New Caledonia, welcomed the joint efforts of the people of the Territory, the administering Power and the United Nations in the process provided for under the Nouméa Accord. The key conclusions and recommendations made by the United Nations visiting mission in 2014 must be respected, and it would be crucial to compile a fair and transparent special electoral list and to establish an electoral process for the self-determination of New Caledonia. He would welcome more information on whether the concerns that had been raised regarding the special electoral list for the referendum been resolved. If they had not been resolved, why not, and by when would they be resolved? Lastly, he enquired how the French Government and the Territorial Government of New Caledonia planned to implement the 2030 Agenda for Sustainable Development, given the vast disparity between the city of Nouméa and rural New Caledonia, where a majority of the Kanak people lived.

86. **Mr. d'Anglebermes** (Vice-president, Government of New Caledonia) said that a significant proportion of the Kanak population — including a large number of young people — were at risk of being unable to vote because they had not yet been registered on the electoral rolls. French Government and other officials were making efforts to resolve that problem, as the Nouméa Accord provided that every Kanak person having customary civil status should be able to vote in the 2018 referendum.

87. Like the Matignon Accords, the Nouméa Accord was based on the principle of rebalancing both economic and political responsibilities, a process in which both the French and New Caledonian Governments were actively involved. In that connection, his Government had recently held a colloquium on the level of responsibilities by ethnic group. His Government would follow the recommendations made at the colloquium in order to attain a rebalancing that was acceptable to all parties, particularly the Kanak people.

88. **Mr. Poadja** (Vice-Chair, Committee on Foreign Relations, Congress of New Caledonia), speaking on behalf of Calédonie Ensemble, the leading anti-independence political organization in his country, said that that movement brought together New Caledonians of all ethnicities, regions and socioeconomic backgrounds. In 2012, he had been the first Kanak from the northern region of Grande Terre island to be elected president of the Caledonian Congress.

89. A large and widely diverse majority of the population of New Caledonia wished to continue affirming its uniqueness as part of the French Republic by retaining its ties to that great country and the European continent as a whole, while remaining an active participant in the community of Pacific nations. Too many other countries were struggling to meet the basic needs of their citizens without external support such as that given by France to New Caledonia, in the amount of 1.3 billion euros a year.

90. The 2018 referendum on self-determination would give New Caledonia the choice to either govern itself and retain its traditions, history and culture while remaining a part of the French Republic, or to abandon it in favour of full sovereignty. The latter would constitute a grave error that the people of New Caledonia were unlikely to commit. Through dialogue and mutual respect, the pro- and anti-independence camps must keep the referendum from delivering the victory to one New Caledonia at the other's expense by working to establish the necessary balance and forge a common future.

Question of the Falkland Islands (Malvinas) (A/C.4/71/2)

91. **Mr. Hamilton**, speaking in his personal capacity as a historian, expressed concern that the United Kingdom, his country, and Argentina were not making progress towards resolving the dispute over the Falkland Islands (Malvinas), in spite of improving relations. The United Kingdom's continuing occupation of the islands was an archaic form of colonialism and a historical injustice that would rankle until it was rectified. He urged the Committee and the Special Committee to redouble their efforts to force the two sides to return to the negotiating table abandoned in the late 1970s. The conclusions and recommendations set out in General Assembly resolution 2065 (XX) would guide the efforts of both committees in doing so. Ae Special Committee report (A/5800/Rev.1, chap. XXIII, annex, para. 37) stated that a recommendation connected in one way or another with the substance of the matter would be necessary to permit complete application of the Declaration on decolonization.

92. The substance of the question of the Falkland Islands (Malvinas) was neither the status of the inhabitants nor self-determination but instead the sovereignty over the Territory itself. The Special Committee should put the British assertion of sovereignty over the islands to the test by seeking an advisory opinion from the International Court of Justice. On the basis of that opinion, the subsequent recommendation by the Committee would break the deadlock and put the parties under pressure to reach an agreement over sovereignty.

Question of the United States Virgin Islands

93. **Mr. Christopher** (ancestral and native Virgin Islander) said that the indigenous people of the United States Virgin Islands continued to be prevented from exercising their right to self-determination. Administered by a State with a long history of ignoring United Nations resolutions on decolonization, the Territory as a whole was deteriorating rapidly.

Moreover, a department of the colonizing Government implicated in treaty violations was collecting information on popular opinions and knowledge regarding self-determination, with a view to obstructing the immediate exercise of that right. As a result, the people of the Virgin Islands were forced to seek legal remedies under a constitution written and handed down by their colonizer. The results of that process — abetted by a corrupt judicial system — did not benefit the ancestral Virgin Islanders, who had their lands stolen and were denied the right to own and inherit property.

94. The current status of the Virgin Islands prevented its indigenous and ancestral people from creating laws and a constitution that served their interests. As a result, the Territory was beset with an unsustainable economy, failing education and health systems, and environmental pollution with severe health repercussions, in respect of which information was manipulated by a corrupt and self-serving governing body.

95. **Ms. Mason** (Descendant of Indigenous YHWH People) declared that she was one of the few individuals in attendance at the present meeting who actually cared about putting an end to the treatment of humans as chattel, the current practice in the United States Virgin Islands. The United Nations had failed to enforce its own Declaration, making a show of holding meetings to feign concern for the Virgin Islanders. Meanwhile, it had stood idly by as elites seized the lands of indigenous Virgin Islanders and oil companies polluted the Territory's environment, causing cancer rates to skyrocket. She cautioned the unholy alliance formed by United States of America, the United Nations and their bedfellows to put an immediate end to colonization, land theft, genocide, human trafficking, paedophilia and witchcraft. Their only hope was to repent of their evil rituals and seek the Creator's mercy. The world was waking up to the fact that the United Nations merely paid lip service to protecting indigenous peoples while aiding in their destruction.

96. **Mr. Calhoun** (Servant of YHWH), invoking passages from the Old Testament of the Bible, said that the United Nations had mandated the decolonization of the Virgin Islands by the United States of America. He endorsed the Algerian representative's characterizations of colonization as an atrocity and of decolonization as long overdue. The Old Testament clearly stated that any gathering of nations could only serve the purpose of opposing the Most High God and destroying his elect.

Statements in exercise of the right of reply

97. **Mr. Wilson** (United Kingdom of Great Britain and Northern Ireland), replying to the representative of Spain, said that his Government recalled its sovereignty over Gibraltar and the Territorial waters surrounding it and reaffirmed that Gibraltar, as a separate territory recognized by the United Nations and included since 1946 in its list of Non-Self-Governing Territories, enjoyed the rights accorded to it under the Charter of the United Nations. It also recalled that the people of Gibraltar enjoyed the right to self-determination and that the 2006 Gibraltar Constitution, endorsed in a referendum, provided for a modern and mature relationship between Gibraltar and the United Kingdom.

98. His Government reaffirmed that it would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes, and confirmed that it would not enter into a process of sovereignty negotiations with which Gibraltar was not content. It reaffirmed its commitment to safeguarding Gibraltar, its people and its economy.

99. The United Kingdom and Gibraltar remained firmly committed to the Trilateral Forum for Dialogue as the most credible, constructive and practical means of strengthening relations amongst all parties. The United Kingdom regretted that the Government of Spain had withdrawn formally from those talks in 2012.

100. Under the 2006 Constitution, Gibraltar had competence for all policy areas except external relations, defence and internal security, which were reserved for the United Kingdom. Gibraltar's active negotiation in any dialogue process was therefore non-negotiable. As Gibraltar was a Territory to which the European Union treaties largely applied, the Government of the United Kingdom was committed to fully involving the Government of Gibraltar as it prepared the process of exiting the European Union. Otherwise, the United Kingdom's vote to leave the

European Union did not change its unwavering commitment to respect Gibraltar's wishes in respect of sovereignty.

101. **Ms. Pedros Carretero** (Spain), replying to the representative of the United Kingdom, said that the admission by the Fédération Internationale de Football Association (FIFA) of the British Overseas Territory of Gibraltar as a member had been the direct result of a decision taken by the Court of Arbitration for Sport and, as such, was only binding on those federations that comprised FIFA. Moreover, the Court — a non-governmental, private court of arbitration — based its decisions on the views of the arbitrators that handled each case, instead of on international law. Therefore, those decisions did not apply to States or territories, but only to private natural or legal persons, in that particular instance, FIFA and the Gibraltar Football Association. The decisions taken by the Court of Arbitration for Sport and FIFA had absolutely no effects on international law and did not alter the international status of Gibraltar, recognized by the United Nations as a Non-Self-Governing Territory subject to a decolonization process.

102. She reiterated that Spain had not ceded the territorial waters surrounding Gibraltar and that the position of Spain regarding the areas ceded to Great Britain under the Treaty of Utrecht remained unchanged. Spain therefore categorically rejected the reference made by the United Kingdom to any type of sovereignty in the territorial waters surrounding Gibraltar. The sovereignty proposal put forth by Spain had been made in good faith. Given that relations with Spain would change radically for Gibraltar once European Union treaties ceased to apply to the United Kingdom and its dependent territories, and that the economies of Gibraltar and Campo de Gibraltar were very interconnected, her delegation urged the United Kingdom and Gibraltar to study the proposal in depth. She was convinced that it would benefit both Gibraltarians and the Spanish workers who commuted daily to the Rock.

The meeting rose at 6 p.m.

United Nations A/C.4/71/SR.4

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Chair: Mr. Drobnjak ..... (Croatia)

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The meeting was called to order at 3 p.m.

Agenda item 58: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of petitioners (*continued*)

1. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements. He reminded all speakers to observe decorum, refrain from personal remarks and limit themselves to the agenda items under consideration.

Question of Western Sahara (*continued*) (A/C.4/71/7)

2. **Mr. Lakhrif** (Member of the Moroccan Parliament) outlined his career and experience as a Saharan in public office, saying that it conferred on him the legitimate right and authority to address matters at the national and international levels on behalf of all those Saharans who had elected him by universal secret ballot. Indeed, only Saharans who had been transparently and democratically elected could claim to represent the Saharan people. The leaders of the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente Polisario), on the other hand, were unqualified on that score, given in particular that the majority of Saharans lived in the southern provinces of Morocco. Those Saharans, he predicted, would turn out in high numbers to vote in his country's upcoming parliamentary elections in a show of democracy and commitment to Moroccan territorial integrity.

3. **Mr. Dethomas**, speaking in his personal capacity, said that humanitarian assistance must remain separated from politics and that the registration of refugees was a fundamental component of international protection and the right of persons who might be of concern to the United Nations High Commissioner for Refugees (UNHCR). Referring to findings reported by the European Anti-Fraud Office (OLAF), he said that the persistent failure to register the Saharan population in the Tindouf camps had led to a surplus in the humanitarian aid destined for those camps, as the amount had been calculated on the basis of inaccurate figures provided by the Algerian authorities. The non-registration had thus facilitated the long-standing fraudulent and systemic diversion of that surplus to sub-Saharan markets in a process that pointed to the complicity of the Frente Polisario, which at the same time, shockingly, maintained the refugees in its care in a state of chronic malnutrition. Registration of the Tindouf population was not only bound up with donor confidence and respect for humanitarian law but would also increase the transparency needed for a lasting solution to a conflict in a region already beset by problems affecting its development.

4. **Ms. Eads** (Capitol Hill Prayer Partners), referring to the diminished opportunities for education available to Sahrawi youth in the Tindouf camps, said that education was no longer a priority for the Frente Polisario, which was more focused on embezzling international aid, including that intended for education. The hope for the future provided by education was consequently being replaced by a vacuum of hopelessness and frustration among those young people, leading in some cases to involvement in organized crime and ultimately creating a reliance on governments and foreign aid for the necessities of life. A shift to self-reliance would widen the options for youth and promote their adaptation to civil society, in turn reaping benefits for their people. Until the Sahrawis in the Tindouf camps were educated to see themselves as other than victims, the likelihood of progress towards a peaceful settlement of the question of Western Sahara would remain slim. Education had to be emphasized as a means of resolution. It would give voice to the Sahrawi youth in determining their own future, and allow them to communicate on an equal footing with their young compatriots in Morocco.

5. **Mr. Gil Garre** (International Security Observatory), recalling terrorist attacks by the Frente Polisario against Spanish citizens in the past, said that its current involvement in organized crime and local terrorism threatened to exacerbate the existing violence and instability in the Sahel region, and that attempts by jihadist groups to join in the Western Sahara conflict in furtherance of their own aims posed an added danger. While democratic mechanisms introduced by Morocco had done much to improve transparency and respect for human rights in that country, the Frente Polisario leaders persisted in kidnapping, torturing or imprisoning anyone who opposed them in Tindouf; and

the United Nations was doing nothing to stop them. The Committee should therefore effectively lead the efforts towards a solution, such as that embodied in the autonomy plan proposed by Morocco in 2007 and qualified by the Security Council as serious and credible. Indeed, the plan would augur well for stability, security and sustainable development in the region through the establishment of the rule of law and respect for all the human rights thus far constantly violated by the Frente Polisario.

6. **Mr. Cameron** (World Action for Refugees) said that independent observers had long been aware of the systematic embezzlement of supplies donated to cover the minimum needs for the survival of those living in the Tindouf camps, whose maltreatment was borne out by a series of dismal health-related statistics. He lamented the efforts to hold to account the criminal groups behind that embezzlement, which some suspected to be an "inside job", with others speculating in addition that camp inhabitants were inadequately cared for as part of a deliberate scheme to weaken and control them. It was for the Algerian authorities and the Frente Polisario alone to end that situation by clamping down on those benefiting at the expense of the Tindouf inhabitants and by conducting a credible census to facilitate the assessment of aid requirements in the camps. Only a healthy population would be equipped to determine its own fate. He expressed support for the Moroccan autonomy proposal as the best practical way forward to a lasting political solution to the ongoing dispute in the region.

7. **Mr. Rosemarine**, speaking in his personal capacity as an international law specialist, likewise expressed support for that proposal, which he said was fair and flexible in view of its emphasis on negotiations for a settlement tailored to the true needs of the Sahrawis in their quest for self-determination. It was also far-sighted in its stated aims and furthermore guaranteed a leading role for Sahrawis in the region's institutions, without discrimination or exclusion. Morocco could be trusted to deliver on the proposal, as amply demonstrated by the lasting democratic reform and economic growth it had achieved for its entire population, without bloodshed, in the wake of its own trials and tribulations. Citing the outcome of the recent "Brexit" vote held in the United Kingdom, he cautioned against any move by Western Sahara to break away from a stable and established economy to face instead the uncertainties of economic independence. To do so, he suggested, would promise disaster for a Territory with such a tiny population and minute economy.

8. **Mr. Martínez-Campillo**, speaking in his personal capacity, and alluding to the age-old allegiance of the formerly nomadic Saharan tribes to the Moroccan throne, endorsed the Moroccan proposal for resolving the Western Sahara conflict, a proposal he described as viable, intelligent and realistic, aimed as it was at the full integration of the Saharan population and its rich cultural heritage into Moroccan society. Already a tried and tested model for ushering in democracy, public freedom and the rule of law elsewhere, the combination of autonomy and integration was also a response to new challenges to national sovereignty. Morocco offered the guarantee of rising to such challenges by working for sustainable development, economic and gender equality, equal opportunity and poverty eradication. It had, moreover, answered the call for a solution with its proposal, incorporating it into its Constitution and shouldering its responsibility on that score with great aplomb. All that remained now was for that well-received proposal to be translated into reality on the ground for the benefit of the Saharan people and region.

9. **Ms. Huff** (Teach the Children International) said that the long involvement of the Frente Polisario leadership in the theft of humanitarian aid destined for the Tindouf camps — for which she could vouch as someone responsible for aid that had gone missing a decade earlier — revealed its corruption and presaged its failure were it to be given any greater administrative responsibilities, as it would clearly pursue its own interests rather than the good of the people whom it purported to serve. Indeed, history was replete with examples of corrupt leaders who, having fought for and won independence, plundered their country's resources for their own benefit and wrought devastation on their people as a result. Echoing the words of an African historian, she asked whether there were credible negotiators in the Tindouf camps for the Sahrawi people or whether the ground on which they stood was already cracked.

10. **Ms. Pearson** (Protected Families) said that those sequestered in isolated camps for over 40 years did not meet the United Nations definition of refugees, which

essentially ruled out the negotiation of a solution to the problem with their captors. The Frente Polisario used the camp inhabitants as human shields and hostages in order to supply its guerrillas with items siphoned from donations sanctioned by the United Nations, which neither took stock of nor tracked shipping containers destined for the camps. It was furthermore scandalous that thousands of camp residents should be deprived of the much-needed benefit of disability aids shipped in containers that had gone missing. She therefore implored those serving the disability community to include repatriation efforts in their mission, adding that the Sahrawi hostages should be escorted out of the camps to be reunited with their families and to govern themselves in their welcoming homeland in line with the autonomy plan proposed by Morocco.

11. **Mr. Lygeros**, speaking in his personal capacity as a professor and strategic analyst, said that the lack of representativeness of the Frente Polisario was a fundamental problem insofar as it prevented resolution of the conflict in Western Sahara through constructive dialogue with a structured entity. The Frente Polisario continued to hide behind the lack of data on the number of refugees in the Tindouf camps, and its new Secretary-General, a radical belligerent and fugitive from Spanish justice, had been undemocratically elected. Such representativeness was unacceptable to human rights defenders and also had consequences for the status of the Sahrawi Arab Democratic Republic which was now effectively powerless. Indeed, numerous African Union members had withdrawn their recognition of the Frente Polisario and were calling for the Republic's suspension from the Union, paving the way for the return of Morocco to the membership. Those developments showed the way forward to a non-violent resolution of the conflict and the liberation of the Tindouf population from the inhumanity and extreme influences of the totalitarian Frente Polisario.

12. **Ms. Uddin**, speaking in her personal capacity, said that the question of Western Sahara was an abandoned conflict that called for international attention in order to forestall disaster. She described as heart-breaking the failure to resolve that conflict and end the suffering of innocent people, most of them women and children, and wondered what criteria were used as a basis for the distribution of humanitarian aid to Tindouf, given that the precise number of refugees was unknown. Why, she asked, was the United Nations not responsible for the distribution and monitoring of that aid in the same way as it was elsewhere? She agreed that the Moroccan autonomy proposal was the best path to self-determination for the Sahrawis stranded in Tindouf and, in the light of the region's volatility, urged the Security Council to address the conflict without delay.

13. **Ms. Chavez Cossio**, speaking in her personal capacity as a lawyer, politician and former Peruvian congresswoman, said it was regrettable that Algeria should have actively continued since 1973, through its backing of the Frente Polisario and the Sahrawi Arab Democratic Republic, to hinder the legitimate territorial claims of Morocco over Western Sahara, which in recent years had attracted wide-scale international support, including that of her own Government. The Sahrawi Arab Democratic Republic was, moreover, a fictitious entity that lacked the three elements needed for it to qualify as a State, namely people, territory and sovereign power, and indeed it had never been admitted as a member of the United Nations or of Latin American interregional cooperation forums involving Arab and African countries, and had only two months earlier been disavowed by a majority of the members of the African Union.

14. In the Tindouf camps, the precarious living conditions and daily occurrence of human rights violations under the iron hand of the Frente Polisario leadership were in sharp contrast to the life of freedom and well-being enjoyed by the Saharan population in the southern provinces of Morocco, 70 percent of whom had flocked in 2015 to participate in municipal elections. The OLAF report had implicated Algeria in the Frente Polisario embezzlement of humanitarian aid destined for those held captive in Tindouf. Morocco, on the other hand, was an ally for global and regional peace in a world ever more threatened by terrorism disguised as religion. The Moroccan proposal for the autonomy of its Saharan provinces deserved support as a definitive solution to a contrived conflict that was holding back the development and integration of the Maghreb.

15. **Ms. Stame Cervone** (Centrist Democratic International Women) said that the testimonies she herself had gathered from individuals who had escaped the Tindouf camps painted the tragic circumstances of the families held hostage in those makeshift camps for

what now amounted to over 40 years. It was indeed a miracle that anyone should survive such dire conditions and in such a hot and inhospitable desert region, with women, children and older persons invariably suffering the most. Surrounded as they were by Frente Polisario militias to prevent escapes, the camps were effectively a vast open-air prison where the inhabitants suffered in silence, their stories untold. She described three typical cases of the myriad human rights abuses endured by camp inhabitants at the hands of the Frente Polisario, two of which had been drawn to the attention of the United Nations, thus far without response. The third, involving the torture and expulsion of a former Frente Polisario police official to Mauritania, remained similarly unresolved.

16. **Ms. Daoudi** (Sahara Media Center) said that non-governmental human rights organizations, which regularly called on the Moroccan Government for the release of prisoners arrested during the operation to dismantle the Gdim Izik protest camp, persistently failed to mention the 11 Moroccan victims whose throats had been slit. Protesters defended by those NGOs had taken evil pleasure in defiling the bodies of those victims, creating a scene reminiscent of the world's worst terrorist incidents seen on videos available on the Internet. Surely unarmed security personnel involved in dismantling the camp and civilians risking their lives as ambulance drivers to help others were protected by international law. On what moral grounds could NGOs call for the release of executioners without thought for the families of their victims and without condemning the actions to which those victims had been subjected? The failure of those NGOs on that score called into question their objectivity and impartiality, for the dead were equally entitled to justice. Those responsible for the assassinations must be held accountable for their crime through due process.

17. Furthermore, in a lawless area between Morocco and Mauritania, members of the Frente Polisario had established a vast arms and drug trafficking network, recently uncovered by Moroccan security forces.

18. **Mr. Domingues Rodrigues**, speaking in his personal capacity as a Belgian lawyer at the behest of several European humanitarian NGOs, said that the monitoring in place to prevent the proven misappropriation by some Frente Polisario leaders of the humanitarian aid destined for the Tindouf refugee camps was unfortunately not as effective as initially thought, judging by recent press reports that significant amounts of food and medicine forming part of that aid had been detected in Mauritania in a new episode that was no doubt the tip of an iceberg. With a view to counteracting such episodes, two human rights associations in Europe had proposed a third measure in addition to those of impeding the fraudsters by bringing them to justice and conducting a census in the Tindouf camps to gauge the amount of aid needed, which was that humanitarian aid should be delivered directly to its legitimate beneficiaries, without the involvement of middlemen. He was hopeful that the Committee could assist on that score, as well as in determining whether the value added tax to the tune of one million euros apparently levied by the Algerian authorities on local goods purchased for Saharan refugees was in some way deployed for the benefit of those refugees, who did not deserve to be further penalized.

19. **Ms. Laaroussi**, speaking in her personal capacity as an civil society activist, recalled the historic day in November 2015 when King Mohammed VI of Morocco had renewed his commitment to the development model for the southern provinces under which Saharans ran their own affairs. He had furthermore stated that democratically elected regional officials enjoyed legitimacy as the true representatives of the inhabitants of those provinces vis-à-vis national institutions and the international community. In short, only those chosen directly by the Saharan population in free elections were qualified to represent Saharans and oversee the region's development for the benefit of its inhabitants. In the municipal elections held in 2015, various seats had been won by Saharans, including a former camp inhabitant who been elected as a council leader. As the King had also said, advanced regionalization had been transformed into reality through the institutions and prerogatives established to further it. Such decentralization of powers, moreover, complemented the Moroccan proposal for a definitive solution to the territorial conflict. Morocco welcomed all its citizens with open arms, signalling that it was time to move forward from the past.

20. **Mr. Bouchakouk** (Association citoyenneté et développement humain), referring to the recent nomination of the new Secretary-General of the Frente

Polisario and President of the Saharan Arab Democratic Republic, said that he had been the only candidate for those positions and that no votes had been cast against him by the lackeys selected to take part in his sham election. Their fear of the consequences for themselves and their families should they have dared to dissent was evidence of the iron discipline prevailing within the ranks of the Frente Polisario. The figures for the results of those elections were as those for the number of camp inhabitants, which had been recorded as static for 40 years, as if no new births or deaths had occurred. He wondered why a so-called "democratic" republic, albeit a phantom, should not have organized elections by universal suffrage and furthermore recalled that its new President for life was wanted by the Spanish authorities to answer cases lodged against him decades earlier by Saharans for gross human rights violations, rape and sexual abuse, but had escaped retribution through the protection of his Algerian bosses. Such was the nature of the Frente Polisario separatist leaders appealing to the Committee for its support.

21. **Mr. Aidara** (L'Observatoire des menaces terroristes, des radicalismes, des risques criminels et cindyniques of the Center for Diplomatic and Strategic Studies, Dakar, Senegal) said that a State incapable of fulfilling its obligations was not in fact a State as defined in international law, as in the case of the Saharan Arab Democratic Republic, which was epitomized by a band of self-declared leaders operating from elsewhere and financed and manipulated by a neighbouring country. The Moroccan autonomy proposal embodied a form of self-determination adapted to reflect current realities, while Morocco's pledge of massive funding for development of the southern provinces had already encouraged the homeward return of Saharans sequestered in the Tindouf camps and curbed the flow of terrorists towards the Sahara. Bearing in mind the affirmed desire of Saharans to remain Moroccan citizens and the quest for regional stability, the Committee should act to have the matter taken up by the Security Council, which had called for a political solution. Africa could withstand no more of the insecurity and war triggered by unsuccessful attempts at self-determination or independence. The right of autonomy sought by the Saharan majority wishing to live in peace and security must therefore be upheld over and above the claims of an illegitimate minority.

22. **Mr. Jensen**, speaking in his personal capacity as a former Head of Mission and Acting Special Representative of the Secretary-General for Western Sahara, said that the dispute over Western Sahara remained as entrenched as ever in a region where the security threats from terrorist groups called for concerted action to prevent a return to violence. The political solution sought by the Security Council, including through a revived role for the United Nations, now looked more hopeful following the visit by Secretary-General Ban Ki-moon to the Frente Polisario-run camps in March 2016. The Moroccan autonomy proposal indeed offered a promising starting point, particularly in view of the positive new reforms and measures under way in Morocco. Morocco had moreover expressed its intention to return to the membership of the African Union, which would be dependent on whether the motion to expel the Sahrawi Arab Democratic Republic succeeded, insofar as no two Union members could claim to represent the same State. A creative compromise would be needed in order to bridge the determination of Morocco and the aspirations of the Frente Polisario. While inaction may have been seen as a more advantageous option in the past, it was now unlikely to serve the interests of either party.

23. **Mr. Assor** (Surrey Three Faiths Forum) said that none of his past illustrations of the tragic plight of those incarcerated for over 40 years in the Tindouf camps, with its emotional, physical and psychological repercussions, had prompted decisive action by the Committee to address what he termed a murderous calamity. Calling for the closure of those dreadful camps, he urged the Committee to reflect on the latest proposal presented by King Mohammed VI of Morocco, which had been hailed as the most advanced yet for ending that calamity and bringing hope of a brighter future to the families in Tindouf, allowing them to join the others who had managed to escape in order to integrate into Morocco.

24. **Mr. Wilson** (International Sahrawi Friendship Association) said that the theft of natural resources was but one of the many human rights abuses endured by Sahrawis living under Moroccan occupation in Western

Sahara. A referendum was the key to bringing a conclusive end to all such abuses.

25. **Ms. Bahaijoub** (Family Protection), noting that rhetoric was used to gain advantage and control and did not equate to the truth, said that testimonies from all those who had observed and experienced the many injustices perpetrated in the Tindouf camps must be heeded. While Morocco was under constant scrutiny and working hard for an equal democratic country for all, the Frente Polisario continued to pursue a closed-door policy and should come under international pressure to conduct the long-requested census in those camps. The right to exercise freedom of movement, currently denied, must also be guaranteed and special protection provided to women against the sexual and social abuses to which they were subjected, notwithstanding claims by the Frente Polisario concerning the prominent role afforded to women in Sahrawi society. Conversely, the women in Western Sahara enjoyed the same rights as women in Morocco, especially through court protections under one of the most progressive family codes in the Arab world, and received social assistance from officially recognized organizations. Morocco was indeed striving to protect and improve the lives of its citizens as it implemented its autonomy plan, and women took an active part by voting and presenting themselves for election locally and nationally. Again in stark contrast, the late Secretary-General of the Frente Polisario had been in office for 40 years, and his successor had been the only candidate put forward.

26. **Ms. Warburg** (Freedom for All) said that living conditions were deteriorating for the thousands of refugees long confined by the Algerian-backed Frente Polisario to the Tindouf camps, where basic human rights, including freedom of movement, continued to be ignored. UNHCR should be granted immediate access in order to register and assess the needs of those refugees, who were dependent on humanitarian aid that was instead sold for profit by the Frente Polisario. She outlined the health problems affecting women and children in particular as a result of malnutrition, as well as the despair, destitution and dependency created by the lack of education and jobs, adding that the criminal activities of the Frente Polisario and its assistance to terrorist groups posed further dangers. Both serious and credible, the Moroccan plan for autonomy would create hope for the future by unlocking the Saharan region's entrepreneurial talents, reducing dependency and increasing stability and prosperity. The Sahrawis in Tindouf deserved no less than the Sahrawis living in southern Morocco; they must be liberated from the camps and reunited with their families.

27. **Mr. Ayachi** (Comité national algérien de solidarité avec le peuple sahraoui) said that, throughout the 41 years of the illegal occupation of Western Sahara by Morocco, the Sahrawi inhabitants had been daily subjected to oppression and gross violations of their most basic human rights. The natural resources of Western Sahara had also been shamelessly pillaged in violation of international law by Morocco, which furthermore used delaying tactics to forestall any serious formal negotiations, did all it could to prevent the holding of a self-determination referendum under United Nations supervision and persistently defied the international community. He added that claims concerning the diversion of humanitarian aid were unfounded, as such aid was distributed under the supervision of international NGOs and in the presence of the beneficiaries. As to the claim that the Algerian Government levied value added tax on goods destined for the camps, it was a total fabrication. In short, the United Nations must fulfil its commitment to organizing a referendum and justify the trust placed in it by Sahrawis when they had chosen peace over war in 1991.

28. **Mr. Al-Jabari** (Palestinian-Moroccan Friendship Society) said that the comprehensive revival taking place in the southern regions, which he himself had witnessed in 2015, was thanks to the enlightened policy pursued by King Mohammed VI of Morocco and the huge financial investments channelled by the Moroccan Government into the overall development of those regions. The Moroccan proposal for broad autonomy under Moroccan sovereignty offered the best solution to the dispute. Described as serious and credible, it had attracted wide international support and contrasted with the uncompromising attitude of the other party to the conflict. Moreover, no solution would be achieved unless Algeria shouldered its responsibilities as a major player in that conflict. For Morocco, the Saharan question was an existential one and not one of boundaries or of negotiating its unity and sovereignty.

29. **Mr. Bessedik** (Algeria), speaking on a point of order, stressed that it was impermissible to refer to Algeria in the meeting room as anything other than an observer to the conflict and requested speakers to respect that rule.

30. **Mr. Laasel** (Morocco), also speaking on a point of order, declared it wrong to state that Algeria was not a party to the conflict, bearing in mind that it had initiated military action against Morocco when Western Sahara had been returned to it in 1975.

31. **Mr. Bessedik** (Algeria) said that he had not made any statement; he had simply raised a procedural point of order that he wished to see respected.

32. **The Chair** reminded speakers to limit their statements to the agenda item under consideration.

33. **Mr. Laasel** (Morocco) said that his point of order had been in response to the comment made and recalled that, in the previous meeting of the Committee, there had been no interruption of statements containing allegations against States. It would be preferable, he said, to emulate that example of respect for freedom of expression by listening with attention to the testimonies of independent petitioners concerning an issue with which they were fully conversant. As to his point, he added that even the United Nations Secretary-General considered Algeria to be a party to the conflict.

34. **Mr. Bessedik** (Algeria) reiterated that he had spoken only to ensure respect for the procedure whereby no petitioner was permitted to mention Algeria except in the context of its recognized status as an observer to the process under way.

35. **Mr. Laasel** (Morocco) recalled that, in addressing the General Assembly in 1974, the Permanent Representative of Algeria had described his country as a concerned party in the matter.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

36. **Mr. Al-Jabari** (Palestinian-Moroccan Friendship Society), resuming his statement, said that the flagrant human rights violations against those imprisoned in the Tindouf camps went unexamined and that it was time to carry out a census of the camp inhabitants, under international supervision, in order to determine their precise numbers and prevent humanitarian aid intended for the camps from being trafficked to neighbouring countries.

37. **Ms. Riveros**, speaking in her personal capacity as a political scientist and consultant, said that a realistic approach to the Western Sahara issue was needed, and she highlighted the democratic transition under way in Morocco, evidenced inter alia by free elections, lively public debate and a vibrant civil society. The socioeconomic challenges facing the southern provinces had been appropriately identified, she said, with a view to promoting economic growth, employment and well-being through an integrated and participatory development model, with a particular focus on youth. In addition to initiatives for encouraging business and hence job creation and wealth, multiple economic sectors were undergoing a revival and the political and legal framework in place empowered the population to take charge of its own development. The establishment of numerous cultural, sports and education facilities had been especially beneficial for youth, women and indeed micro-enterprises. In short, the region's overall development continued unabated despite the persistent conflict. Even previous members of the Frente Polisario, both men and women, were now part of Moroccan political life after participating in the provincial elections held in 2015.

38. **Mr. Vargas Osorio** (Observatorio de la Democracia) stated that the Frente Polisario could not legitimately claim to represent the inhabitants of Western Sahara, the vast majority of whom freely exercised their civil, political and socioeconomic rights within the legal framework of Morocco and recognized the sovereignty of Moroccan laws and institutions. At the same time, the Frente Polisario held captive a group of Saharan citizens, dividing them from their families in Morocco, in an attempt to upset the status quo in the region. Indeed, a comparative assessment of democracy indicators conducted by his organization showed that the representativeness of the Frente Polisario as a political movement was now virtually non-existent. The inhabitants of the southern provinces of Morocco participated regularly in elections. The usual high turnout of that electorate, including in the referendum of 2011 on the new Moroccan Constitution, clearly indicated its firm commitment to its community and to strengthening democracy in Morocco, a nation upheld in international circles as a model for political

change guaranteeing the exercise of fundamental rights to the entire population and thus enabling full participation by all in working for regional peace and stability.

39. **Ms. Boussouala**, speaking in her personal capacity as a civil society activist and a Sahrawi, expressed gratitude to all donors of humanitarian assistance for the Sahrawi families living in camps, which helped to alleviate their suffering in the harsh desert climate. It was disconcerting, however, that such donors should be called upon to assist a population about whom so little was known in terms of their numbers, basic needs and desire to leave the camps. She therefore wondered what stood in the way of conducting a census, which was the normal procedure in the case of refugees elsewhere, together with interviews to identify their needs and desires. The major priority for the Sahrawis trapped in the equivalent of an open prison, however, was to acquire their freedom and escape the siege imposed on them for over 40 years, as it was not hunger but confinement that would eventually kill them.

40. **Mr. Vázquez de Lara Cisneros** (Autonomous University of Puebla, Mexico) said that the new Moroccan Constitution attached particular importance to the cultural identity of the southern provinces. The national cultural policy developed accordingly guaranteed cultural rights and protection from social, political and economic exclusion to their inhabitants. In thus helping to promote the unique facets of Sahrawi culture, including its Hassani elements, the Constitution had in turn helped to consolidate and preserve the national unity, identity and heritage by recognizing cultural diversity and bringing together all the multiple components mentioned in its preamble. Cultural activities were consequently flourishing in the southern provinces, which had seen an increase in the grants made to organizations involved in promoting the Hassani culture. The Moroccan autonomy plan had also mirrored the Constitution in taking into account the components of the country's rich cultural identity, stating as it did that the populations of the proposed Sahara autonomous region should exercise power within its boundaries over cultural affairs, including the Hassani cultural heritage.

41. **Mr. Agozino** (Instituto Argentino de Estudios Geoestratégicos y Asuntos Políticos) said that, as recognized in relevant international treaties and other instruments, the Sahara was an inseparable part of Morocco and had its own ethnic and religious identity. As determined by the International Court of Justice, moreover, Morocco had the right to defend its territorial integrity and its sovereignty over the Sahara, as well as a duty to seek a peaceful and realistic solution to the dispute. It had therefore proposed its constructive solution aimed at providing the hope of a better future for those living in its southern provinces. By contrast, the Frente Polisario had no legal basis for claiming to represent the Saharan people, some of whom it controlled with an iron fist in the Tindouf camps. It was a separatist movement that threatened peace and security in the region and beyond, misappropriated for its own benefit funding and aid intended to relieve the suffering of the camp inhabitants, and engaged in criminal activities from drug trafficking to abduction. Its members, including its Secretary-General, must be held accountable for their crimes against humanity.

42. **Ms. Cosentino** (John F. Kennedy University of Argentina) said that children constituted the majority of the indeterminate number of Saharans held against their will in indescribably appalling conditions in the Tindouf camps. In addition to the risks associated with living in a militarized zone, the children suffered from material deprivation, preventable diseases and lack of education. The Frente Polisario cared nothing for them, exploiting them only for propaganda purposes and subjecting them to human rights abuses. Not only traumatized by their experiences, the children were also unable to realize their own identities and were often indoctrinated by the Frente Polisario to reject the families from whom they were separated. The Frente Polisario furthermore robbed many of their childhood, whether by recruiting them as child soldiers, forcing them into marriage or keeping them in slavery. In the light of those circumstances, she urged the Committee to make a strong call for action towards organizing a census of the population in the Tindouf camps.

43. **Mr. Vidal Garrido**, speaking in his personal capacity as a journalist and researcher, said that the Frente Polisario had effectively used propaganda since the start of the conflict in Western Sahara to distort and fabricate facts so as to advance its own agenda and conceal the penury suffered in the Tindouf camps, where only its leaders had access to rights and

economic resources. An example of the manipulative strategies employed by the Frente Polisario was its propensity for treating any Saharan who died a violent death as a martyr. Describing one such incident on which he himself had reported, he related the story of Mohamed Lamin Haidala, a young Saharan with a violent criminal record, including for drug crimes and knife offences, for which he had been imprisoned on numerous occasions. Following his death from brutal injuries sustained in the process of a drug-fuelled robbery attempt in his home town of Laayoune, however, he had been upheld as a revolutionary martyr by the Frente Polisario, which was obsessed with portraying the southern provinces as devoid of all human rights.

44. **Ms. Sams** (Antioch Community Church) said that fair and unbiased reporting on human rights issues in Western Sahara and the Tindouf camps, as called for by the Secretary-General, would require investigations on the ground in both locations in order to increase credibility and dispel any perception of bias. Two weeks of monitoring by an organization that might be seen as biased, such as Human Rights Watch, did not constitute a fair appraisal of rights, freedoms and abuses, especially when replies given by the Frente Polisario to questions about camp activities were taken at face value. An independent investigative organization, on the other hand, would not accept such replies as facts. She asked whether it was Algeria that determined the rule of law in the Tindouf camps, noting that the recent country report on Algeria published by the United States State Department included many examples of human rights abuses. In short, the United Nations should demonstrate its impartiality by monitoring such abuses in a balanced manner, including through parallel reporting.

45. **Ms. It** (Ar-Raniry State Islamic University, Aceh, Indonesia) said that the negotiation of a peaceful settlement to all disputes involving self-determination could be successfully concluded by following a road map for achieving minority and other rights, such as participation in political and economic life. Self-determination created the foundation for civic nationalism, in which citizenship was based on a set of common beliefs, and a modern discourse on democracy and human rights was underpinned by enlightenment. Lessons drawn from the freedom struggle waged in Aceh were that strong mediators and a peace settlement attractive to both disputing parties were essential to ending conflict, as was the involvement of the affected communities in addressing and resolving the root cause of disagreement. She suggested that the success achieved in the case of Aceh would inspire the international community to act on the Moroccan proposal for Saharan self-determination, enabling the Saharans in the disputed Territory to live peacefully and gain their dignity and freedom.

46. **Ms. Sherrill** (Common Ground Ministries), suggesting solutions to four areas of concern with a view to promoting a peaceful settlement of the conflict, said that first of all the lack of security threatening stability in Western Sahara and all countries in the Sahel-Sahara region should be urgently addressed. Criminal networks, for example, were now actively recruiting Tindouf camp inhabitants, in particular the youth, to engage in the illegal trade now flourishing along the major smuggling routes located near the camps. Secondly, the family visits organized under the UNHCR confidence-building measures programme should be resumed and also include all separated family members. Thirdly, the United Nations should show more robust support for the construction of a road from Smara in Morocco to Tindouf in Algeria and, fourthly, transparency should be increased to ensure that human rights abuses committed by the Frente Polisario were fully and accurately reported and placed on record. She urged the pursuit of a speedy resolution to the conflict and an end to the status quo of merely attempting to make camp inhabitants "comfortable".

47. **Mr. Ayala Ochoa** (Consejo Peruano de Solidaridad con el Pueblo Saharaui), speaking from the perspective of someone working to defend and cultivate the values of freedom, peace and development, said that people anywhere in the world, including the Sahrawi people, should enjoy the same right to forge their own future. Regrettably, however, neither the purposes and principles of the United Nations nor the Millennium Development Goals had been implemented to the benefit of the Sahrawis. That the United Nations Mission for the Referendum in Western Sahara should lack the mandate to monitor the observance of human rights was unfathomable, as was the violation of the ceasefire by Moroccan armed forces. The occupier of Western Sahara had waged a well-financed propaganda war, committed crimes against the Sahrawi people and sown the area with

landmines. He therefore called for international recognition of the Sahrawi Arab Democratic Republic, more emphasis on the human rights of its population in the foreign policies of the United States, France and Spain and a zero-tolerance approach by the European Union to illegal trade agreements that opened the way to trafficking in the natural resources belonging to the Sahrawi people.

48. **Mr. Moraga Duque** (Rehabilitación y Esperanza), pointing out the intolerant treatment of Tindouf camp inhabitants at the hands of leaders interested only in their own political ends, said it was widely believed that the proposal for the political, economic and administrative autonomy of the Western Sahara should be accepted. Indeed, that initiative had been enthusiastically welcomed as serious and realistic, a description that did not apply to the much-repeated idea of holding a referendum, which was now an outdated concept. The creation of a small ethnic State would be non-viable and inevitably destabilize a region already at risk from extremism, whereas the proposed autonomy plan embodied a form of self-determination in which sociocultural specificities were respected within a framework of political stability. Action must be taken to transform the life of misery endured by those sequestered in the Tindouf camps into one of peace, justice and development. For their sake, it was now more essential than ever to end the conflict by recognizing that the full autonomy for the Saharan population that offered the fairest and most realistic solution was already being put into effect.

49. **Mr. Pannocchia**, speaking in his personal capacity as a journalist and writer, said that the lack of any census of the Tindouf camp population was a major obstacle to peace and stability in the region and had facilitated the diversion of international humanitarian aid to foreign markets, where it was sold for the benefit of senior Algerian and Frente Polisario officials. It was therefore hardly surprising that those officials had consistently opposed the conduct of any such census, despite the many requests made by United Nations organizations and agencies with a view to determining the needs of camp inhabitants. Opposition to a census also encouraged the growth of criminal activities and recruitment of camp inhabitants by terrorist organizations. He therefore called on Algeria to assume its responsibilities, together with the Frente Polisario, by authorizing a census in the Tindouf refugee camps.

50. **Ms. Pellegrin** (Mimouna) called for action to end the suffering of the Sahrawi women sequestered in the Tindouf camps, who daily suffered all manner of psychological, physical and sexual abuse and whose Frente Polisario torturers escaped international condemnation. Those vulnerable women lived in permanent insecurity at the mercy of the separatist leaders, who subjected them to the heinous crime of forced pregnancy. Indeed, they were treated as procreation machines to ensure higher numbers in the camps and thus support Frente Polisario propaganda concerning the need for increased humanitarian aid. Women were badly affected by the blatant diversion of food aid from the camps, by the harsh climatic conditions and by deprivation of their most fundamental rights. Citing the occurrence of several cases of rape, she said that the perpetrators of such crimes, who included the new Secretary-General of the Frente Polisario, must answer in court for their actions. A number of Sahrawi women had also been unlawfully detained when visiting the camps, which was indicative of the restrictions placed on freedom of movement for women.

51. **Mr. Jamison**, speaking in his personal capacity as an international business representative based in Gibraltar, said that he had seen no living conditions as harsh as those endured by the Sahrawis in any of the many diverse countries he had visited in connection with his humanitarian work and participation in religious dialogue. Rather than point fingers, however, it was time to seek a viable solution. He had found the Tindouf camp leaders to be hospitable on the several occasions he had stayed with them when taking part in the peace dialogue organized annually among Muslims and Christians to discuss their faiths and learn from each other. The open nature of that dialogue among imams, Frente Polisario leaders and other Sahrawi officials indicated an ability to live in harmony with others who thought differently. Remembering that most of the camp inhabitants continued to suffer in abject poverty while waiting to return to the land they had been forced to leave over 40 years earlier, he expressed the hope that, in 2016, the United Nations would provide safety, justice and security for the Sahrawi people.

52. **Ms. Fabian** (Data Palm Consulting), recalling the harsh living conditions in the Sahrawi refugee camps she had visited, lauded the generous hospitality graciously shown to her, a stranger, by a people who had so little themselves. They had welcomed her, shared with her what little food and water they had, listened to her and invited her to return. Her reason for visiting the camps had been to attend the annual peace dialogue described by the previous petitioner. She, too, had been impressed by the exchange about religion that had served as a bridge between people of different faiths and cultures, which was particularly relevant at a time when refugees were entering other cultures at a tremendous rate. With their kindness and their courage in waiting so long for a peaceful solution to their conflict, the Sahrawis had much to teach the world about peace. She called on the Committee to find a way for them to return to their homeland of Western Sahara, for there was no greater joy than home.

53. **Ms. Marino** (City College of New York) said that a better foundation for the resumption of negotiations would be provided if the Committee were to move on from violations of international instruments committed long ago and instead focus attention on the health and well-being of the Sahrawi refugees. While the Moroccan autonomy proposal presented the only viable solution for both parties, the autocratic Frente Polisario was not an advocate, perhaps signalling that it had only its own interests at heart. Its purely ideological cause lacked practicality, its leaders were corrupt and its camps rife with human rights violations. In contrast, the sovereign State of Morocco was steadily democratizing and its citizens were enabled to become productive members of a society already comprising a significant Sahrawi community. She suggested that it would be useful to redefine autonomy and review the Moroccan autonomy plan, with particular attention to paragraphs 12, 13 and 18. For its part, Morocco must work harder to develop its southern regions and should closely monitor the allocation of a precise budget for that purpose.

54. **Mr. El Ahmadi**, speaking in his personal capacity as a professor, and highlighting the role of the impending parliamentary elections in Morocco in further consolidating the democratic process under way in that country, said that his fellow inhabitants of the Saharan provinces had participated in increasingly record numbers in electoral campaigns and in voting ever since the region had been returned to Morocco. He recalled the historic regional and communal elections, held in September 2015, in which representatives had been elected to the new constitutionally-mandate regional councils vested with broad powers. True Saharans had won the seats in the regional councils of the Saharan provinces, where they now bore the heavy responsibility of overseeing implementation of the advanced regionalization plan. Massive government funding was also being ploughed into a new development model for those southern provinces, in another example of the measures being taken to strengthen the only viable democracy in north-west Africa, which remained prey to violence, instability and fragmentation. The Frente Polisario, working to halt Morocco's momentum, should instead cease the relentless pursuit of its senseless, dangerous and indeed unsuccessful games.

55. **Ms. Lenz** (Not Forgotten International) said that she spoke from the unique vantage point gained by her organization's long-standing presence as part of the Sahrawi refugee community that it served. The greatest concern was the cruel impact that the Moroccan occupation of their homeland had on Sahrawi youth, whose frustration, anger and bitterness over the stalemate was deepening into hostility, rage and hopelessness. They were moreover being wooed into violence by radical groups, including from within Morocco itself. Many were uniting, however, to counter that threat and to fight peacefully and determinedly for justice for the Sahrawi people by raising their voices to tell the world, while awaiting their referendum, about the unique Sahrawi identity and culture and the desire for a Sahrawi nation. Those voices must be closely heeded, as the present generation in the camps stood at a crossroads between a future of peace and human dignity or of tragic, violent and uncontrollable disaster. In that light, she urged realization of the recognized legal right of the Sahrawi people to a referendum.

56. **Ms. Basinet**, speaking in her personal capacity as a Nobel Peace Prize-nominated actress, singer and activist, said that she pondered the cost of a voice denied and of a people unable to participate in media discourse, to trade in the value of its intellectual property and physical assets and to reap the remuneration from that trade. An organic and orchestrated voice was now more important than ever

for the future. People could ill afford to remain voiceless, particularly in a climate where the division between the few and the many had become a disease of ego and arrogance. Current examples showed that the few were rewarded, the vulnerable were trampled on and alienating biases continued to be created. Her visit to Sahrawi refugees had taught her, however, that the world could not flourish when whole societies were alienated; that enemies, too, must be embraced as part of the solution; that self-determination had helped to give voice to the voiceless; and that strength of heart, soul and mind against all opposition must be retained. In a word, the exclusion of entire communities from the dialogue of peace must stop.

57. **Mr. Boudjedra**, speaking in his personal capacity, appealed for the inclusion of youth in the policymaking and decision-making processes under discussion. The people from Western Sahara, the last Non-Self-Governing Territory in Africa, had been forced for the past 40 years to live as refugees or under colonization, deprived of the right to live freely on their land and to govern themselves. Young ambitious Sahrawis had dreams and expectations but were disillusioned by the toughness of camp life or the oppression of Moroccan rule, with death or abduction a daily fear. They were denied their legitimate right to express themselves, defend their identity, move freely and choose their government as empowered citizens. The inevitable result of such circumstances was growing restlessness, anger, frustration and despair, which opened the way for radicalization and manipulation, with potentially tragic consequences for an increasingly unstable region. History had proved that security and stability were attainable only through justice, equality and good governance. The status quo in the last remaining colony in Africa was therefore no longer sustainable.

58. **Mr. Merghoub**, speaking in his personal capacity as a scientific and medical researcher, said that the right of nations to self-determination was indisputable and a cardinal principle of international law denied for many decades to Western Sahara by those in control of the contested Territory, which in turn deprived Sahrawis of such basic human rights as freedom of expression and association, privacy and health. The Sahrawi people had been victims of police misconduct, torture and an inequitable justice system, while also being prevented from gathering in support of self-determination. The welfare of the Sahrawi refugees living in camps was furthermore an utmost concern. Sahrawis needed stability, security and room to flourish but had been denied their cultural and civil rights and faced rejection if ever they applied for political asylum. He added that NGOs had frequently denounced the violations of their rights and noted that the European Union had never recognized Western Sahara as part of Morocco.

59. **Mr. Sassi**, speaking in his personal capacity, and underscoring the inalienable right of colonial peoples to self-determination, said that the international community must be alert to the exploitation of the natural resources belonging to the Sahrawi people, which had recently been declared illegal by the European Court of Justice. It must also condemn the systematic destruction of Sahrawi society by Morocco, which had occupied its territory, annihilated all entities that might claim to represent it and denied its right to self-determination, in violation of the most basic rules of international law, while the world stood by silent. Morocco had furthermore opposed the promised referendum by all available means, including human rights abuses and indiscriminate criminal violence. Given the broader regional repercussions of the dispute, some believed that the African Union, of which the Sahrawi Arab Democratic Republic was a founding member, should play a greater role in seeking a resolution. It was time for the international community to shoulder its responsibility to free the last colony in Africa and end the prolonged suffering of the Sahrawi people.

60. **Mr. Ortiz Asín** (Forum Canario Saharaui), describing the unimaginably inhospitable and insanitary conditions in which Sahrawis had been forced to live in Tindouf for over 40 years, said that a high proportion of the women suffered from anaemia and the children from malnutrition and chronic disease. Frente Polisario leaders were responsible for the diversion of international aid to sub-Saharan markets in such quantities as to prompt questioning of the senders by European officials and international NGOs. Sahrawi youngsters born and raised in exile were becoming increasingly desperate, which undoubtedly created a breeding ground for fanaticism and violence in the absence of the hope that the Moroccan autonomy proposal would provide. Camp inhabitants were deprived of the most fundamental rights, including

freedom of movement, which was denied in particular to women returning from time spent with host families in Spain. The Frente Polisario leaders were ultimately responsible for such deprivation of liberty, which should be punished as a crime. The Sahrawi people were well aware of the reasons behind the situation in the camps, which included the decadence and autocracy of the Frente Polisario and the lack of trust in its leaders. The Moroccan commitment to human rights and economic growth had benefited the Sahara region and would surely promote the return of those held in the infernal camps in Algeria, as well as their socioeconomic prosperity.

61. **Ms. Brahim-Bounab** (Member of the Algerian Parliament) said that the Sahrawi people had endured 40 years of deprivation at the hands of an oppressive occupier that had, among other things, manipulated the international community and impeded the right of the Sahrawi people to self-determination. The occupier was now impeding the United Nations work in Western Sahara and violating the ceasefire in place, thereby reneging on its commitment to hold a referendum on self-determination. Algeria was not a party to the dispute and worked constantly to establish good-neighbourly relations, sparing no effort to support the quest for a just and lasting solution guaranteeing the right of the Sahrawi people to self-determination. Measures should now be taken to speed up the referendum; establish an independent and impartial international mechanism to monitor human rights in the occupied territories of Western Sahara; and intensify all efforts to halt the attacks by the Moroccan occupier on the Sahrawi people. In conclusion, she paid tribute to Sahrawi women for their courage and steadfastness in their struggle for liberation and freedom.

62. **Mr. Lyes** (Member of the Algerian Parliament) said that the Sahrawi people had long suffered after their sacrifices for the liberation of their homeland and were now engaged in a peaceful struggle for self-determination and a just settlement to the pending issue of the last colony in Africa. He condemned the flagrant human rights violations, in particular the crimes against humanity, committed in Sahrawi territories by the occupier and agreed with the previous petitioner concerning the establishment of a human rights monitoring mechanism and the need to speed up the referendum. Action must also be taken, he added, to protect Sahrawi civilians; release all Sahrawi detainees; condemn all violence, torture and extrajudicial arrests and trials carried out by the Moroccan armed forces; and stop the persistent looting of the natural resources of the Sahrawi people. Algeria affirmed its long-standing support for persecuted peoples everywhere. It was indeed not a party to the dispute and called for a just and lasting solution guaranteeing to the Sahrawi people their right to self-determination as an irrevocable choice.

The meeting rose at 6.05 p.m.

United Nations A/C.4/71/SR.5

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Summary record of the 5th meeting
Held at Headquarters, New York, on Thursday, 6 October 2016, at 3 p.m.

Chair: Mr. Drobnjak ..... (Croatia)
later: Mr. Poels ..... (Belgium)

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Hearing of petitioners (*continued*)

* Items which the Committee has decided to consider together.

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16-17331 (E)

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The meeting was called to order at 3 p.m.

Agenda item 54: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/71/23 (chaps. VII and XIII) and A/71/68)

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Hearing of petitioners (*continued*)

1. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements. He reminded all speakers to observe decorum, refrain from personal remarks and limit themselves to the agenda items under consideration.

Question of Western Sahara (*continued*) (A/C.4/71/7)

2. **Mr. Joumani**, speaking in his personal capacity as advisor to the President of the National Human Rights Council (CNDH) of Morocco, said that through his work he had gained experience on the ground concerning the human rights situation in the Saharan provinces of Morocco, where CNDH had built a positive relationship with citizens. Its activities in that region included investigating allegations of torture and ill-treatment; handling citizens' complaints about human rights abuses; organizing training courses for national police officers with the aim of further strengthening the existing human rights culture; and encouraging the establishment of new non-governmental organizations (NGOs) and wider involvement in civil society. It was also working to improve the medical, rehabilitation and other facilities available to vulnerable groups in the region, notably migrants and persons with disabilities. He recalled that financial compensation had been awarded to the many thousands in the southern provinces who had suffered during the years of violence, including civilians abducted and oppressed by the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente Polisario). CNDH was furthermore engaged in observing the current electoral process in those provinces to ensure that it was both transparent and viable.

3. **Mr. Hormat Allah** (Association marocaine pour le développement d'Oued Eddahab) drew attention to the historic new model for the integrated sustainable development of the Saharan provinces, which had been launched in November 2015 with a huge budget allocation for numerous economic sectors that would create thousands of jobs for the region's youth in particular. In addition to preserving and promoting the region's history and its Hassani cultural identity, the model was also focused on such other matters as the development of renewable energies, communication networks, natural resources management and environmental protection; provision of support to productive sectors including phosphates, agriculture, sea fishing and ecological tourism; and the consolidation of human rights in order to further promote trust and democracy. The ambitious model would, he said, enable the country's southern provinces to play their full role as a regional bridge and as an economic hub for Africa with links to Europe. It furthermore attested to the Moroccan commitment to expedite the advanced regionalization that would empower the inhabitants of those provinces to manage their own affairs.

4. **Mr. El Ouali**, speaking in his personal capacity, recalled the Committee's session in 2015 at which one of his colleagues had been interrupted for mentioning the name of the place where family members of hers had been sequestered for 40 years. The representative of the country sequestering them in its territory had not wished its name to be mentioned on the grounds that it was not listed among the 17 Non-Self-Governing Territories under discussion. The issue was, however,

more ethical than procedural, he said. The rules of procedure of the General Assembly should not be manipulated in order to prevent individuals from speaking out about ill-treatment and abuse, above all within the confines of an institution that symbolized democracy, freedom and justice for all. Such behaviour by the country in question was nonetheless scarcely surprising, given that its authorities abused their own population by forcibly inflicting on it one of the world's most secretive and reactionary regimes. The fact was that families were sequestered in vast open-air concentration camps located in the middle of the desert. Cheap tactics could not disguise the human drama occurring daily in the territory of the country to which he had referred.

5. **Mr. Bessedik** (Algeria), speaking on a point of order and calling for compliance with the rules of procedure, said that the present discussion was devoted exclusively to a matter that had been inscribed on the United Nations agenda since 1963, namely Western Sahara. It did not concern the authorities of his country or other matters, nor should any country should be singled out by name.

6. **Mr. Laassel** (Morocco), likewise speaking on a point of order, said the principle of freedom of expression must be protected. Asserting that the subject of discussion was the decolonization of peoples and Territories, he noted that the petitioner had been speaking about the sequestration of his colleague's family in Tindouf, which was in Algeria.

7. **The Chair** repeated his earlier reminder that all speakers should limit themselves to the issue at hand.

8. **Mr. El Baihi**, speaking in his personal capacity, said that a resolution of the question of Western Sahara would remain unattainable unless the United Nations changed its current approach to the issue. The negotiated solution called for in United Nations resolutions between Morocco – a main party to the conflict - and the Frente Polisario would never be realized insofar as the latter had no decision-making power in the matter. The failure of all proposed solutions to date was, he asserted, because the other actual party to the conflict was the neighbouring country that hosted Frente Polisario on its territory and claimed to be no more than an observer State. That country, which he said he had refrained from naming in order to avoid interruption, was quite simply the key obstacle to all solutions on account of its expansionist aims.

9. **Mr. Bessedik** (Algeria), speaking on a point of order, reiterated that the rules of procedure must be followed and that Algeria was not the subject of discussion. Nor was it, he said, the occupier in the region. It was an observer State, as recognized in a United Nations resolution on the subject. The problem of Western Sahara would not be resolved by levelling accusations at Algeria and that intimidation was not the way forward to successful communication. In short, the discussion must not depart from the agenda item under consideration, and he called on the Chair to ensure compliance with the rules of procedure.

10. **Mr. Laassel** (Morocco) said that he had not heard the petitioner mention Algeria by name and recalled that during the 1997 Houston negotiations, the President of Algeria had proposed that the Territory should be shared. Algeria claimed no involvement but nonetheless reacted to all proposals made by the Secretary-General it was well known that the solution to the problem of Western Sahara lay with Algeria and not with a puppet that it controlled for its own ends. It wished to silence petitioners, whereas everyone was in fact free to say whatever they wished at the United Nations.

The meeting was suspended at 3.25 p.m. and resumed at 3.40 p.m.

11. **The Chair** appealed to all petitioners to make their statements with agenda items in mind and in such a way as to enable the meeting to continue uninterrupted, recalling in addition that, pursuant to the rules of procedure of the General Assembly, he was obliged to grant requests for the floor on points of order.

12. **Mr. El Baihi**, resuming his statement, said it was regrettable that speakers should be interrupted in a place that championed freedom of expression. The fact was, however, that the camps were not located in a vacuum but in Tindouf, just as interference with humanitarian aid and gross human rights violations occurred in Tindouf, which was an integral part of Algeria. One way or another, Algeria was involved as a party in the matter at the most fundamental level.

13. **Mr. Dailal**, speaking in his personal capacity, agreed that the obstacle to a political solution to the question of Western Sahara was the neighbouring country of Morocco, which he could not name for fear of being interrupted. Indeed, he had been alerted to that possibility by colleagues who had been interrupted in 2015 for daring to speak the truth and naming that country in referring to the sequestration of their own family members in camps situated in its territory.

14. **Mr. Bessedik** (Algeria), speaking on a point of order, said that petitioners should remember that they were authorized by the members of the Committee to air their points of view and, furthermore, that they spoke in a personal capacity. Hence, they must respect those who had authorized them to speak and limit themselves exclusively to the subject concerned. Either the rules of procedure must be respected or the Legal Adviser must be requested to provide a reminder of the status of petitioners. Western Sahara — not Algeria — was the subject of discussion.

15. **Mr. Laassel** (Morocco) said that petitioners were authorized to speak by all Member States and not simply Algeria, which had no right of veto within the Committee. It would create a dangerous precedent to continue in the present autocratic manner; if petitioners were not permitted to express their points of view, they might as well not speak at all.

16. **The Chair**, reiterating that he was bound by the rules of procedure, which were clear and must be honoured, again appealed to speakers to speak in a fashion that enabled their points of view to be heard on a very important subject without interruption.

17. **Mr. Bessedik** (Algeria) said that his concern in taking the floor was a procedural matter, in that petitioners must restrict themselves to the subject on which they were authorized to speak, namely Western Sahara. Any mention of Algeria was off limits.

18. **The Chair** pointed out that he could not anticipate what petitioners might say and repeated that he was duty-bound to grant requests for the floor on points of order.

19. **Mr. Laassel** (Morocco) stated that it was the responsibility of the Chair to ensure that there were no breaches of the rules of procedure. While he was entitled to suspend the meeting if he so wished, he was not required to give the floor to any person who so requested on a point of order, especially if that person was being abusive. Petitioners were able to say whatever they wished, including about the Tindouf camps in Algeria, which was a party to the conflict. Indeed, it was Algeria that had created the conflict.

20. **The Chair** restated that he was required to grant all requests on point of order. He had no discretion to determine how many points of order a Member State of the United Nations, a universal body, could request; nor was he in any position to deprive a Member State of its rights under the rules of procedure. Similarly, he had no discretion concerning the substance of any statement and could do no more than appeal to speakers to deliver statements that would enable an uninterrupted meeting. His primary duty as a Chair, he said, was to serve as guardian of the rules of procedure.

21. **Mr. Dailal**, resuming his statement, said that he had been born in the Tindouf camps, where he had spent 26 years of his life. Having also studied in Algerian universities, he was very well acquainted with the situation in Western Sahara and had not the slightest doubt that the Algerian Government was a fundamental and indeed influential party in the matter. In particular, it directed the policy and decision-making of the Frente Polisario for the worse.

22. **Mr. Bjornsson**, speaking in his personal capacity, said that reports of the Moroccan exploitation of natural resources in Western Sahara were misleading, as they failed to take into account the correlation between those resources and the country's economic competitiveness. The local population had contributed much to the ongoing Moroccan efforts to develop the Sahara region, which also benefited from the thriving Moroccan fishing industry, including under a European Union agreement. Indeed, the national model of democracy combined with the development-oriented policy pursued by the Moroccan Government had promoted socioeconomic sustainability throughout the country, including in the Sahara region, where living standards were among the country's highest as a result of poverty reduction and infrastructural improvements. Substantial funding would be allocated to the region's further development over the coming five years. Its natural resources were reinvested for its benefit, in consultation with the local population, and managed through its elected parliamentary and local

representatives. The Moroccan autonomy proposal had been conceived, moreover, with a view to further boosting the region's development achievements.

23. **Ms. Scholte**, speaking in her personal capacity as a Seoul Peace Prize laureate, expressed admiration for the late President of the Sahrawi Arab Democratic Republic and appreciation to Secretary-General Ban Ki-moon for having visited the Sahrawi refugee camps, saying that he had correctly described the unacceptable situation in Western Sahara as an occupation and a forgotten humanitarian tragedy. Given the repeated broken promises concerning the referendum on self-determination, the only way forward was to end the illegal Moroccan occupation of Western Sahara. Tragic consequences of the present situation included the continuing atrocities against Sahrawis living in Western Sahara; the inability of an entire generation of youth living in refugee camps to see their homeland; and the plundering of Sahrawi-owned natural resources by the aggressor in the conflict. The unfortunate message conveyed was that that reliance on the rule of law and trust placed in the United Nations would lead to such consequences and that invasion, aggression and violence were the means to achieving goals. She therefore urged all those who believed in the rule of law to join the call for Morocco to withdraw from Western Sahara.

24. **Ms. Van der Plancke** (European Coordination of Support for the Sahrawi People) recalled the Sahrawi fear that, in increasing its dependency on the exploitation of the Territory's natural resources, Morocco would deploy ever more brutal means in order to continue its illegal occupation of Western Sahara. Those considerable resources, including fish and phosphates, were heavily exploited by Morocco, which did nothing in return to enhance the well-being and development of Sahrawis. Such exploitation had been declared a violation of international law, prompting the annulment of a fisheries agreement between the European Union and Morocco. A subsequent declaration by the European Court of Justice that Western Sahara was not part of Morocco and that Morocco had no international mandate to administer it had triggered Moroccan threats to sever relations with the European Union. Morocco had also showed its displeasure with Mr. Ban Ki-moon by expelling personnel working for the United Nations Mission for the Referendum in Western Sahara (MINURSO). The United Nations annually condemned the gross human rights violations against Sahrawis claiming their right to self-determination, she added, with Morocco continuing its intimidation, reprisals and oppression in order to maintain its hold over the Sahara.

25. **Ms. Fergani**, speaking in her personal capacity, referred to the long-standing claim of the people in Western Sahara, whose hopes for freedom and whose confidence in the United Nations had been rekindled when Secretary-General Ban Ki-moon had visited the Sahrawi refugee camps and the liberated territories of Western Sahara in March 2016, and had called for serious negotiations, without preconditions and in good faith, to reach a mutually-acceptable political solution providing for the self-determination of the people of Western Sahara, specifically through the organization of the promised referendum awaited by the people in the last remaining colony in Africa. In short, the only solution for ending the conflict and enabling the Sahrawi people freely to decide their own future was for the United Nations to fulfil its noble mission and to use its influence and power to establish human rights and self-determination for the people of Western Sahara.

26. **Mr. Ahmed** (Sahrawi Student Association), speaking in his personal capacity as a resident of the Smara refugee camp in south-west Algeria, said that he and other young Sahrawis had been in exile for far too long and that it was the Committee's duty to ensure that in the coming year they would be able to choose their own future. The story of his life was typical, he stated. The aunt who raised him had fled Western Sahara for Smara in 1975, following the Green March, while in 1985, during the war between the Frente Polisario and the Moroccan occupying forces, his two uncles had faced the tough choice of either pursuing their higher education or joining in the military fight for freedom. After choosing the latter option, both had soon been killed, one of them by a landmine in the same way as a four-year-old girl who had lost her life only recently. He called on the Committee to help his generation realize his aunt's dream of a better future and an end to the Moroccan occupation of Western Sahara.

27. **Mr. O'Bryan**, speaking in his personal capacity as a Harvard researcher and international human rights expert, said that, as exemplified in Western Sahara, the absence of war did not guarantee the presence of peace. Western Saharans either lived under the brutal repression of the Moroccan occupation or in exile and abject poverty in desert refugee camps in Algeria. MINURSO should be urgently mandated to monitor human rights violations in the same way as all other United Nations peacekeeping missions, particularly in view of the thousands of cases documented by Human Rights Watch in Western Sahara. For its part, the Frente Polisario crushed its critics and prevented refugees from leaving the camps. Denied opportunities and subjected to human rights abuses, Western Saharans could hardly be blamed for their anger at being forgotten by the United Nations and the world's media. The status quo in Western Sahara was unsustainable, with too many of its youth feeling betrayed. United Nations documentation of the violence would be a start, however, to ending the impunity and injustice, for justice was not the precondition for peace but its essence.

28. **Mr. Bouad** (Sahrawi Students' Union) said that, notwithstanding its killing of a four-year-old girl only a few days previously with one of its landmines in Western Sahara, Morocco would never kill the struggle for self-determination. As a Sahrawi refugee in Algeria, his intention was to speak freely and dispel the lies about the essential matter of the decolonization of Western Sahara. By any standard of international law, the Moroccan presence in Western Sahara could only be described as an occupation, as indeed Mr. Ban Ki-moon had himself stated. Morocco had violated the ceasefire agreed in 1991 with the Frente Polisario and expelled MINURSO personnel, thereby posing a threat to stability and peace in the region that should have prompted deterrent action by the United Nations, in particular the Security Council. Instead, however, the United Nations had simply expressed its usual profound concern, which sent a message of failure or ineffectiveness on its part. Regrettably, he warned, the Sahrawi people therefore felt that the only path remaining to their freedom was to take up arms.

29. **Ms. Emhamed**, speaking in her personal capacity as a liberal arts student, said that she herself had grown up in the refugee camps with the hope of returning to her homeland and living with dignity in an independent country, a hope that was now fading. First, the prolonged efforts of the United Nations concerning the promised referendum on self-determination had apparently ceased and secondly, the Moroccan Government was seemingly delaying negotiations with the Frente Polisario in its own interest. Given the 41 years of failure to achieve a peaceful solution, the only reasonable way forward for the Sahrawi youth was perhaps to resume the armed struggle. Thanks to support from such countries as France, however, Morocco had escaped with impunity for its illegal exploitation of the natural resources of Western Sahara and its well-documented violation of the rights of the Sahrawi people. The United Nations must vindicate the hope, patience and trust placed in it by Sahrawis by speeding up resolution of the conflict over Western Sahara, securing their fundamental right to self-determination and holding the Moroccan Government accountable for its wrongdoings.

30. **Mr. Manzo Ramirez**, speaking in his personal capacity as a student and supporter of the Sahrawi people, said that the Sahrawi people were among the world's most underrepresented groups and lacked the human rights protection normally afforded to citizens of the world's sovereign nations. That situation would continue as long as the Sahrawi people remained part of a State that did not represent them and that subjected them to tyranny and colonization. Similarly, the world could not claim to defend the human rights of the Sahrawi people as long as it supported the political power of a State that illegally occupied a region and continued to abuse the people in that region in furtherance of its economic and expansionist ambitions. A just society would be achieved for the Sahrawi people through international recognition of their sovereignty by way of a referendum on their self-determination, which was the way forward to peace and an end to the conflict. Failure to allow the Sahrawi people to exercise their right to self-determination would also signal the failure of the United Nations to achieve its goals of achieving international peace and human rights protection.

31. **Ms. Bachir** (Sahrawi Women in the United States of America) said that, as a 25-year-old Sahrawi student from the refugee camps, she spoke on behalf of the voiceless people of Western Sahara. Throughout her life, her people had been suffering in desert refugee camps or under Moroccan occupation. While she had

been fortunate enough to study abroad, the more she learned about international law simply increased her frustration and disappointment at the failure of the United Nations to fulfil its duty. Youth accounted for almost three quarters of the Sahrawi population but they faced a lack of opportunities and jobs on completing their education, causing them to lose hope and question the value of that education as a realistic means of reaching their collective goal. Their elders now struggled to convince them of the validity of a peaceful approach. Sahrawi youth were frustrated and angry at the prospect of being unable to exercise their right to self-determination. To deny that right was to diminish the credibility of the United Nations among the Sahrawi people and indeed the international community.

32. **Ms. Aït-Baala** (EuroMed-CDC), noting that the issue of natural resources was now being politicized following the failure to politicize human rights, said that the ruling of the European Court of Justice already mentioned by some speakers in no way vested the Frente Polisario with the right to represent any specific population and furthermore held that the territorial application of agreements to the Sahara raised no doubts about international legality. Any flaw in those agreements was due to no more than an error of assessment, she added. Morocco complied fully with the principle articulated in Article 73 of the Charter of the United Nations concerning the paramount interests of the inhabitants of Non-Self-Governing Territories, which was rare insofar as many independent countries in fact enjoyed no sovereignty over their natural resources. As part of its integrated approach to development, Morocco had moreover allocated a substantial budget to the development of the Sahara, with a sociocultural focus. She highlighted in addition the high voter turnout invariably recorded in the Sahara, which she said should suffice in itself as an act of self-determination.

33. **Ms. Salma** (Sahrawi National Youth Organization and NOVA) recalled her upbringing in the refugee camps and the day when her mother received a document enabling her to vote in the referendum proposed by Morocco, saying it was then that she had first realized her unfortunate status as a refugee. Over 20 years later, she was still living in the same tent and still asking her family the same question: when will we return home? She described the activities of her organizations in the camps, where highly educated young Sahrawis gathered every weekend to talk about the future, human rights and other issues. The Sahrawi youth had remained patient to no avail and were increasingly frustrated and angered by the fact that violence always sparked an international reaction, in contrast to their peaceful demonstrations, which went unheeded. She invited anyone who so wished to visit the camps and see for themselves the true price paid by the Sahrawi people during their 40 years of peaceful waiting.

34. **Mr. Bakayoko**, speaking in his personal capacity as a teacher from Côte d'Ivoire, said that the question of Western Sahara had been one of decolonization only at the time of its occupation by Spain, during which no entity other than Morocco had ever claimed sovereignty over it and Saharan groups, moreover, had even claimed allegiance to various Moroccan sovereigns. Almost all Saharans lived freely in the Moroccan provinces, with only a minority living in the Tindouf refugee camps in Algeria. Saharan children were educated alongside Moroccan children and the development of the Saharan regions had always been a cornerstone of the policies pursued by successive Moroccan Governments. Indeed, many founding members of the Frente Polisario, as well as Tindouf camp inhabitants, had been minded to return to Morocco and play their part in its harmonious development. The question of Western Sahara was simply a geostrategic issue, and Morocco should consequently be supported in its regional empowerment efforts. Its serious and credible autonomy proposal appeared to constitute a realistic and promising basis for a political solution to the long-standing conflict over Western Sahara.

35. **Mr. Andjembe**, speaking in his personal capacity as a member of the Gabonese Senate and a free citizen of Africa, said that many Africans recognized the African character of Morocco, which was clearly bound up with its geography, history and culture. Morocco furthermore contributed to the development of the continent through its growing economic presence, while the African public showed a keen interest in the efforts of Morocco to regain its territorial integrity and consolidate its unity. In the light of the repeated failure of all United Nations proposals for a settlement of the sensitive issue of Western Sahara, including the referendum on self-

determination, the Security Council had continued since 2002 to appeal for an end to the stalemate between the parties to the conflict and for progress towards a compromise political solution. Realistically speaking, the Moroccan autonomy proposal represented that solution and should therefore serve as a basis for future negotiations for ending a conflict that had already lasted far too long.

36. **Ms. Travieso Darias** (Asociación Canaria de Juristas por la Paz y los Derechos Humanos) spoke of the work carried out by her organization in Western Sahara since 2002 in its capacity as a legal observer, saying that it had included attending illegal trials involving Sahrawis and conducting interviews with landmine victims, human rights associations not recognized by Morocco, and families of disappeared persons. It yet again condemned before the Committee the ongoing human rights abuses suffered by the Sahrawi people, which included arbitrary detention, torture, extrajudicial trials, prison deaths and secret burials, all of which constituted war crimes. It also condemned the repression and eradication of the Sahrawi people and identity. Coupled with the expulsion of MINURSO personnel and the detention of human rights observers, such events confirmed the Moroccan defiance of international law and the failure to hold Morocco to account, with States remaining silent in order to protect their own interests. As the de jure administrative power, Spain should encourage resolution of the dispute in order to halt the illegal occupation of Western Sahara and the violation of human rights, which MINURSO should furthermore be mandated to monitor.

37. **Ms. Cubas Armas** (International Association of Jurists for Western Sahara), in recalling the legal framework governing the matter of the self-determination of the Sahrawi people, pointed out that Spain remained the de jure administrative power in Western Sahara. As to Morocco, she said that its lack of competence as the de facto administrative power had been borne out by the European Court of Justice in its affirmation, inter alia, that Western Sahara was not part of Morocco. Morocco had furthermore prevented Secretary-General Ban Ki-moon from visiting the Saharan region; expelled foreign humanitarian workers, including MINURSO personnel; and arbitrarily detained and expelled international lawyers, herself included, who had been working to assist court-martialed prisoners. Morocco had continued to defy international law through its illegal occupation of Western Sahara for over 40 years, yet the international community had failed to act. It must now do so by working to restore legality in Western Sahara and respect for the human rights of the Sahrawi people. In its capacity as the de jure administrative power, Spain too must be actively involved in bringing about the final decolonization of the Territory.

38. **Ms. Sebastián García**, speaking in her personal capacity, deplored the situation of Sahrawis living in Western Sahara and of those detained in Moroccan prisons, including as a result of illegal trials and courts-martial in which harsh sentences, including life imprisonment, had been imposed. It had been legally established as far back as 2002, however, that Morocco had no jurisdiction over a territory not deemed to be Moroccan under international law. All such trials were therefore null and void, she said, and constituted a violation of international law. In a further injustice, Sahrawi political prisoners had been transferred without notice to prisons located far away from their homeland. Sahrawis must be permitted to exercise their right to self-determination, as afforded them under international law, and Morocco must free all Sahrawis who had been unlawfully imprisoned. Noting that one Sahrawi prisoner on death row had been granted refugee status by the Spanish authorities, she concluded with the reminder that it was necessary to work for peace and not simply to talk about and believe in it.

39. **Mr. Morera Arias** (Association for Peace in Western Sahara) said that peace was a human right deserving of United Nations protection and that it implied not only the absence of war but also a daily life free of terror, hate and greed. Over 40 years earlier, peace had been the first victim of the occupation of Western Sahara by Morocco, which failed to respect the principles articulated in the Universal Declaration of Human Rights by mistreating and oppressing the Sahrawi people, regarding them as unequals less worthy of life than Moroccans. As well as being in defiance of the United Nations, the Geneva Conventions and former colonies in particular, the actions of Morocco were visible in the anguish, pain and despair marking the faces of Sahrawi exiles. Through its corruption and blackmail, Morocco was ruining the friendship between Western Sahara and

other countries. He therefore appealed for earnest efforts to end the occupation of Western Sahara, which had brought only destruction and misery to a land already disadvantaged enough by its difficult environmental conditions.

40. **Mr. Maalainine** (Director of IT, Sahrawi Association in the USA) said that life in countries where citizens enjoyed freedom of speech, equality and peace was frequently taken for granted. He had come to realize as much during return visits to his home country of Morocco, where the human rights violations and constant surveillance were among the factors of daily life that prevented individuals like him from returning to live there permanently. The Moroccan Government had devoted substantial sums of money to promoting a false image of Western Sahara and the progress achieved in its development. It blocked social media on the subject and punished anyone who expressed support online for Western Sahara. At the United Nations level, there was much talk about the issue but little action. The time for change was therefore overdue.

41. **Ms. Lagzhal**, speaking in her personal capacity as a Saharan, said that the region's infrastructure had positively improved over the past 40 years owing to the amounts allocated yearly to regional development, which far exceeded those yielded from the partial exploitation of the region's natural resources. The human development indicator was consequently higher than the national average in the southern provinces, where local inhabitants were also in charge of their own affairs and institutions. With its generous funding, the advanced regionalization plan rolled out in 2015 would further promote the development of those provinces in line with the socioeconomic needs identified by the local population. Investments under the plan could not be met by revenue from the region's natural resources and the minority in the region who opposed territorial unity was therefore contradicting itself by calling on Morocco not to exploit those resources while at the same time calling for rapid social improvements and realization of their right to exploit their own resources. The fact was that inhabitants could only dispose of and benefit from those resources if they were properly exploited and monitored through the mechanisms already established by Morocco for that explicit purpose.

The meeting was suspended at 4.55 p.m. and resumed at 5 p.m.

42. **Mr. Al Khattat**, speaking in his personal capacity as leader of the Dakhla-Oued Ed-Dahab regional council, said that the unique democratization process long pursued by Morocco was now being strengthened by advanced regionalization, which was a key part of the approach to structural reform and development, with elected regional councils recognized as pivotal to national unity. The communal and regional elections held in 2015 had advanced the advanced regionalization process, which in the southern provinces took into account the local specificities and functioned as a form of self-government within the framework of Moroccan sovereignty. The process also constituted the only political solution to the conflict. He had spent time with the Frente Polisario in the Tindouf camps before returning to Morocco, where he now headed an important regional council. On his return, he had been impressed by the commitment of Saharans to Moroccan territorial integrity and to involvement in national institutions through their democratically elected representatives. Morocco had allocated immense sums to advanced regionalization, which he said would assist the transition to self-determination under Moroccan sovereignty.

43. **Mr. Boukhari** (Frente Polisario) said that it would be superfluous for him respond to the gratuitous accusations levelled against the Frente Polisario, particularly as he was available to discuss those matters further with the Committee. Meanwhile, the situation in Western Sahara had been stagnating for some 40 years. Secondly, the International Court of Justice had recognized that situation as one of decolonization and stated that the Moroccan presence in Western Sahara was an illegal occupation that must end. Thirdly, the people of Western Sahara had the right to self-determination and independence. Fourthly, the Frente Polisario must take part in all peace negotiations on behalf of that people, so many of whom had lost their lives. Fifthly, there was a road map in place for those negotiations and for discussion of the modalities for a referendum on the self-determination of the people of Western Sahara. Sixthly, Morocco had for years waged a cruel war in which it had used white phosphorus and other appalling weapons against the people of Western Sahara. In the

face of such difficult circumstances, no agreement had been possible. The Secretary-General of the Frente Polisario had indicated that the referendum was no longer an option, while Morocco had expressed doubts about its ability to "win" and had also expelled the civilian component of MINURSO in reaction to a remark by the Secretary-General of the United Nations. At great cost to all those involved, the solution to the problem had already been identified. The next step was to decide how to proceed.

44. **Ms. Pereira Sotomayor** (Ecuador) noting that the Frente Polisario was the only legitimate representative of the Saharan people in accordance with the relevant General Assembly resolutions, requested further information concerning the process of the United Nations-mandated referendum on self-determination for the people of Western Sahara; the activities of the Personal Envoy of the Secretary-General for Western Sahara, Christopher Ross; and public projects being implemented by the Moroccan Government in the Guerguerat region.

45. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela) requested information on the political situation in Western Sahara in the light of the expulsion of MINURSO personnel, taking into account Security Council resolution 690 (1991), notably with respect to the referendum for self-determination. Bearing in mind the needs and interests of the Saharan people, he asked whether it might be possible for the Special Committee to conduct a mission to Western Sahara in order to obtain an impartial and objective view of that situation. He also requested clarification concerning the role of relevant General Assembly resolutions to the conflict, in particular resolution 34/37.

46. **Mr. Mgobozi** (South Africa), referring to the Moroccan bid to rejoin the African Union (AU) after a 32-year absence, asked Mr. Boukhari whether he believed that Morocco would be willing to accept all provisions of the AU Constitutive Act.

47. **Mr. Bessedik** (Algeria) asked whether the description of the Tindouf camps by some petitioners as a "prison" could possibly be accurate, bearing in mind the presence of numerous stakeholders in those camps, including the Office of the United Nations High Commissioner for Refugees, the World Food Programme and various NGOs, and the visits made to them by human rights bodies and indeed the Secretary-General of the United Nations. He further asked about the future of Western Sahara in the light of its status as a Non-Self-Governing Territory and the claims that it was part of the country occupying it.

48. **Ms. Scott** (Namibia) requested clarification about the human rights situation in Western Sahara and in the Tindouf refugee camps. She also asked whether the widely-supported autonomy plan proposed by Morocco was acceptable to the people of Western Sahara.

49. **Mr. Boukhari** (Frente Polisario), replying to the questions posed, said that the referendum process had stalled owing to the attitude of the Moroccan Government, which had made an unacceptable offer that was inconsistent with international law. As indicated by its most recent actions, Morocco was bent on destroying the peace process, and he expressed the hope that the Security Council, which had not yet taken the necessary steps to organize the referendum, would take action towards ending the conflict. In short, Morocco had stepped back from its agreement to hold a referendum within the parameters set in Security Council resolution 690 (1991) and was effectively the cause of the problem.

50. He agreed that a mission by the Special Committee to Western Sahara was overdue, as it had not visited the Territory since 1975 and should indeed exercise its right to gather first-hand information on the ground. The relevant General Assembly resolutions, including resolutions 34/37 and 35/19, legitimized the status of the Frente Polisario as the representative of the people of Western Sahara, meaning that the Frente Polisario was entitled to participate in all efforts to resolve the dispute. With respect to the AU Constitutive Act, Morocco would be obliged to accept all its provisions, including the principles enunciated in article 4 thereof, pursuant to which it would be required to respect the 1956 borders and withdraw from Western Sahara. Those borders had been changed on multiple occasions since that time and, in his view, a country that had violated so many agreements should not be admitted to AU membership.

51. Concerning the Tindouf refugee camps, he said that, notwithstanding the many provocative statements made during the hearing of petitioners, the bodies referred to by the Algerian representative did indeed operate in the camps and with full transparency. The Frente Polisario had furthermore invited the United

Nations to establish an office in the camps in order to monitor the human rights situation, an idea supported by the United States delegation, which had suggested that MINURSO should be mandated to perform that task.

52. Turning to the activities of the Personal Envoy of the Secretary-General for Western Sahara, he said that he was in constant communication with the Personal Envoy, who had been waiting many months, still to no avail, for Morocco to agree to a fifth round of negotiations. Morocco had continued to obstruct progress on that score by, inter alia, opposing direct negotiations. Tensions had also been quickly inflamed by the current problems in Guerguerat, he added.

53. **Mrs. Rodríguez Abascal** (Cuba), resuming the general debate, said that decolonization leading to the self-determination and independence of many peoples around the world was among the positive achievements of the United Nations, but 17 Non-Self-Governing Territories still remained. Other peoples in Territories not identified by that euphemistic description also lived in similar or worse circumstances, however, such as in Palestine, whose people had been denied the inalienable right to self-determination and an independent State, with Jerusalem as its capital, for well over half a decade.

54. Her Government defended the right of the people of Western Sahara to self-determination and reiterated its support for the efforts of the United Nations Secretary-General and his Personal Envoy for Western Sahara to find a mutually acceptable political solution to the long-standing question of Western Sahara, which would furthermore promote regional and international peace and security. It likewise reiterated its support for the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands, and South Sandwich Islands and the surrounding maritime areas. A just and final peaceful solution to that dispute must be promptly found, including in order to avoid militarization of the South Atlantic, a declared zone of peace, which would have negative consequences for the region.

55. In the case of Puerto Rico, the United States intervention had lasted over a century and generated numerous resolutions and decisions reaffirming the inalienable right of the Puerto Rican people to self-determination and independence, in accordance with General Assembly resolution 1514 (XV). While again urging the United States to assume its responsibility for accelerating a process to that end, she noted that the true colonial situation in Puerto Rico was borne out by a new United States law that restricted the control of the Puerto Rican Government over its own budgetary and fiscal affairs, as well as by repeated assertions from the United States Attorney General that Puerto Rico remained under United States sovereignty and subject to the powers of the United States Congress. Latin American and Caribbean Heads of State and Government had, for their part, officially proclaimed the Latin American and Caribbean character of Puerto Rico, while the Non-Aligned Movement had recently reiterated its support for the self-determination efforts of Puerto Rico. She called for the humanitarian release of Oscar López Rivera, who, as recognized by the Special Committee, had long been unjustly imprisoned in the United States in connection with the Puerto Rican freedom fight.

56. As part of its efforts in solidarity with other peoples and notwithstanding the economic blockade to which it was subjected, Cuba had shared its resources with the inhabitants of Non-Self-Governing Territories, including by educating some of them in its schools and universities. She appealed for others to follow suit in order to promote collective well-being and socioeconomic development in those Territories, and reiterated the unwavering Cuban commitment to the eradication of colonialism, for which the United Nations must continue to work.

57. *Mr. Poels (Belgium) took the Chair.*

58. **Mr. Rasool** (Iraq) said that all peoples had the right to independence, to sovereignty over their territories and natural resources, and to self-determination. To subject them to alienation and foreign control was to deny their human rights, contravene the Charter of the United Nations and obstruct international peace. Colonization impeded the application of international law, as well as the progress and socioeconomic development of the peoples concerned.

59. While numerous Territories had gained their freedom and independence in recent years, the Palestinian Territories under Israeli occupation for over six decades must also be granted independence. He called on all States to support the establishment of a Palestinian State on the basis of the 1967 borders. The

cooperation of the administering Powers of the Non-Self-Governing Territories with the United Nations was essential for ensuring a peaceful transition to independence and full sovereignty. The administering Powers must furthermore continue to provide statistical and other information on the socioeconomic conditions and the political and constitutional development taking place in those Territories.

60. **Mr. Taula** (New Zealand), highlighting the constant challenges faced by Tokelau on account of its geographical isolation and tiny population, said that New Zealand worked closely with the leadership and people of Tokelau in a constitutional relationship based on partnership and focusing on ensuring that all Tokelauans, as citizens of New Zealand, received appropriate essential services. Doing so required dialogue, substantial budgetary support and effective measures for improving their lives. Recent positive developments included the introduction of a new purpose-built ferry, funded by New Zealand and fully compliant with international safety standards, that would meet the transport needs of Tokelau and improve its connectivity with the Pacific region and the outside world. New Zealand had also contracted education specialists to provide long-term assistance to Tokelau through on-site training and mentoring for school principals and teachers, which had strengthened school leadership and enhanced teaching practices, as well as learning outcomes.

61. New Zealand remained the largest provider of development assistance to Tokelau, with which it was also working to maximize revenue from the island's own resources, notably through fisheries management reform. It had supported Tokelau in implementing the island's international commitments in the area of climate change, to which the island was particularly vulnerable; it anticipated working to assist the development of adaptation response plans for Tokelau; and it was consulting with Tokelau concerning its own ratification of the Paris Agreement on climate change. New Zealand was also providing technical assistance to enable Tokelau to map out its telecommunications investment strategy, develop specifications for its mobile telephone service and build capacities in the area of public financial management.

62. Self-determination remained paused in Tokelau following the failure of the 2006 and 2007 referendums on that subject. In providing support to the island, New Zealand would therefore continue to be guided by Tokelau itself as it developed towards the future of its choosing. New Zealand valued its close association with Tokelau and was resolute in its support for its remote community of New Zealand citizens.

63. *Mr. Drobnjak resumed the Chair.*

64. **Mr. Nguyen** Doan Minh (Viet Nam) said that his delegation's support for the work of the Special Committee stemmed from the great importance it attached to the universal goal of decolonization and the exercise of the legitimate right to self-determination by peoples under colonization and alien dominance, which were key to reducing conflict and promoting economic development. Viet Nam fully supported the decolonization process pursued by the United Nations, which regrettably remained incomplete, notwithstanding the accomplishments of the Special Committee. He therefore called for greater cooperation, including with relevant United Nations bodies and international organizations, aimed at speeding up the decolonization process in the remaining 17 Non-Self-Governing Territories and at ensuring respect for human rights and fundamental freedoms.

65. The dialogues between those Territories and their administering Powers had achieved welcome progress of late but should nonetheless be pursued in a more effective and constructive manner. The United Nations had a role to play in ensuring that economic and other activities carried out by the administering Powers took into account the legitimate interests of the peoples concerned, promoted their social, economic and cultural development, and assisted them in the exercise of their inalienable right to self-determination until they acquired independence in line with the Charter and relevant resolutions of the United Nations. He reaffirmed his delegation's commitment to cooperate in that endeavour.

66. **Mrs. Mwingira** (United Republic of Tanzania) said it was regrettable that progress in removing the 17 Non-Self-Governing Territories from the Committee's agenda was slow and painful. Her country therefore continued fully to support people under colonial rule as they aspired to exercise their right to self-determination in accordance with the Charter and

relevant resolutions of the United Nations. In reaffirming those resolutions and recalling that the Third International Decade for the Eradication of Colonialism was under way, she called on all administering Powers to enable the peoples of those Territories to exercise their right to self-determination, including independence, at the earliest opportunity.

67. Expressing concern over the lack of progress achieved in settling the question of Western Sahara, she urged the parties concerned to engage in serious negotiations under the guidance of the United Nations and the AU, without preconditions and in good faith, to reach a mutually acceptable and permanent political solution. To that end, efforts towards the organization of a referendum must be intensified, with the Security Council assuming an objective and unbiased role in the matter and demonstrating the political will needed to bring it to a close. She reaffirmed Tanzanian support for all peoples under colonial rule in seeking to exercise their inalienable right to self-determination, including independence.

68. **Mr. Bouah-Kamon** (Côte d'Ivoire) called on the parties to the conflict in Western Sahara to pursue their efforts, in accordance with the relevant Security Council resolutions, for a just, lasting and mutually acceptable political solution. Urging the United Nations likewise to pursue its own efforts to promote successful peace negotiations, he said that a political option that took into account the interests of the peoples of the region appeared to offer the only way forward to resolving the dispute. The status quo was unacceptable and of no benefit to either of the parties, which should therefore be realistic and show compromise by pursuing negotiations under United Nations auspices, in accordance with Security Council resolution 2285 (2016).

69. Applauding the efforts of Morocco to find a definitive solution to the question of Western Sahara, he reiterated firm support for the Moroccan autonomy proposal and welcomed the country's bid to rejoin the AU. As stated in Security Council resolution 2285 (2016), a political solution and enhanced cooperation among the Member States of the Maghreb Arab Union would contribute to stability and security in the Sahel region. He reaffirmed support for that and other relevant Security Council resolutions aimed at creating conditions conducive to improving confidence.

70. **Mr. Ten-Pow** (Guyana) recalled that, in recognition of the inalienable right to self-determination enshrined in various United Nations and other instruments, over 80 former colonies, including Guyana, had been granted independence since 1945. Some two million people across the globe, however, were still unable to exercise that right, a fact that demanded greater efforts to promote continued dialogue among the administering Powers of the remaining Non-Self-Governing Territories, the Special Committee and the colonized peoples themselves, with a view to advancing the decolonization processes under way. Colonization deprived colonized peoples of their right to pursue their own economic, social and cultural development, was an affront to human dignity and worth, had serious implications for the international community, and was a grave injustice. The continuing existence of 17 Non-Self-Governing Territories should therefore be a matter of concern to all Member States and prompt their renewed commitment to ensuring that the peoples of those Territories were able to exercise the same rights of equality and self-determination as others around the world.

71. His Government welcomed and supported the efforts of the Secretary-General and his Personal Envoy for Western Sahara to bring about a lasting, peaceful and mutually acceptable solution enabling the people of the only remaining Non-Self-Governing Territory in Africa to exercise their long-recognized right to self-determination and independence, and called on the parties involved to engage constructively with a view to achieving measurable progress on that score in a spirit of mutual respect and respect for the relevant United Nations provisions and resolutions on decolonization. It also urged Member States of other regions, including Latin America and the Caribbean, where colonialism still had a presence, to take decisive steps towards its termination. More generally, the onus lay on all Member States to do their utmost to ensure that the Third International Decade for the Eradication of Colonialism did not end in 2020 without measurable achievements in the quest to end decolonization worldwide in all its manifestations. The Guyanese Government pledged its full support for that goal.

72. **Mr. Hilale** (Morocco), speaking in exercise of the right of reply, said that at an earlier meeting the Venezuelan representative had made inappropriate remarks relating to Western Sahara that called for

clarification. First, he had confused the principles of self-determination and of independence. No link between the two was made in the Charter of the United Nations, which covered the matter of self-determination in Chapters XI and XII. In that regard, he cited Article 73 b of the Charter, which stated that the peoples concerned must be assisted in "the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement." He also added that in its resolutions 1541 (XV) and 2625 (XXV), the General Assembly had identified four equal and distinct options for self-determination, specifically independence, association, integration and any other political status freely determined, without mentioning the mechanisms for arriving at any of them.

73. Secondly, in speaking about the AU position on Western Sahara, the Venezuelan representative had overlooked the fact that 28 African Heads of State had officially requested that the fictitious Sahrawi Arab Democratic Republic be suspended from AU membership. Having seen through the pretence of that entity, many countries, most recently Jamaica and Zambia, were now withdrawing their recognition of that entity, with undoubtedly more to follow.

74. Thirdly, in referring to the representatives of the Saharan population, the Venezuelan representative meant those who had declared themselves to be the representatives of the Saharan people over 40 years previously, without any democratic process. The true representatives of the Saharan people, however, were those who had been democratically chosen in the regional elections, held in Morocco in 2015, to manage freely the affairs of the two respective regions. Indeed, the participation of the Saharan people in all Moroccan elections, including the imminent parliamentary elections, was in itself an exercise in self-determination.

75. Fourthly, the clean-up operation in the Guerguerat region of the Moroccan Sahara had also facilitated a crack-down on the prevalent drugs and other forms of trafficking in that region, which had in turn enabled the resumption of MINURSO land and air patrols halted for security reasons. It was hardly surprising, however, that someone from a country with notoriety in the worldwide press as a major centre for international drug trafficking should have expressed unease at that clean-up operation.

76. Lastly, with respect to the Venezuelan representative's disrespectful description of Western Sahara as the last colony in Africa, the truth was that Morocco had recovered the Sahara from under Spanish occupation, whereas Venezuela, in asserting a territorial claim over one of its neighbours, an independent country and a Member State of the United Nations whose natural resources it coveted, was set to become the first colonizer of the twenty-first century. Furthermore, as the last dictatorship in Latin America, Venezuela had no legitimate grounds on which to criticize Morocco or its recovery of Western Sahara, where the Saharan population exercised their rights fully and freely, without fear or interference. The same could not be said of Venezuela, where political leaders were abducted, imprisoned and tortured, innocent protesters were killed in the streets of the capital and the population suffered from shortages of food and medicine, saved from hunger and disease only thanks to the assistance of the Colombian authorities.

77. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela), speaking on a point of order, said that he had no wish to discuss bilateral differences, false allegations or the arbitrary treatment of the people of Western Sahara by Morocco. The fact was that no country should be permitted to make offensive remarks about his country and that the current discussion must be restricted to the subject of colonialism, concerning which he was always ready to enter into a discussion with any country interested in the Venezuelan point of view.

78. **Mr. Hilale** (Morocco) repeated that the Venezuelan representative had levelled unwarranted criticisms at Morocco in recent days. His delegation, however, had refrained from interrupting him out of the customary Moroccan respect for democracy, freedom of expression and differences of opinion. Only those who were afraid of hearing truths and criticisms about their country would seek to prevent them from being spoken.

79. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela), again speaking on a point of order, said that he did not intend to emulate the undiplomatic and unreasonable conduct displayed by his Moroccan counterpart when he had sabotaged discussions in the

Special Committee. He urged the Chair to fulfil his duty by not permitting offensive remarks to be made against his country.

80. **Mr. Hilale** (Morocco) appealed to the Venezuelan representative to show him the same courtesy he had always shown to that representative, and concluded by saying that daily reports in the United States media confirmed that the quality of life for citizens of the Sahara was infinitely better that it was for citizens in the last dictatorship in Latin America.

81. **Mr. Perry** (United Kingdom), speaking in exercise of the right of reply in response to the statement made by the representative of Cuba, said that the United Kingdom had no doubt about its sovereignty over the Falkland Islands, South Georgia, the South Sandwich Islands and the surrounding maritime areas. Nor did it have any doubt about the principle and the right of the Falkland Islanders to self-determination, as enshrined in the Charter of the United Nations, article 1 of the International Covenant on Civil and Political Rights, and article 1 of the International Covenant on Economic, Social and Cultural Rights, by virtue of which they freely determined their political status and freely pursued their economic, social and cultural development. The relationship of the United Kingdom with the Falkland Islands and with all of its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to determine its own future.

82. **Mr. Mazzeo** (Argentina), speaking in exercise of the right of reply and reiterating the statements made by the President of Argentina at the opening of the current General Assembly session and by the Argentine Minister for Foreign Affairs before the Special Committee in June 2016, said that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an integral part of Argentine national territory and were under illegal occupation by the United Kingdom. The recognition of the sovereignty dispute in that regard had led to the adoption of some 10 General Assembly resolutions, in addition to resolutions of the Special Committee and the Organization of American States, urging the two countries promptly to resume negotiations for a peaceful and lasting solution to the controversy. The United Kingdom claim was based on the element of self-determination alone, which was inapplicable to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The interests of the inhabitants of the Malvinas Islands were moreover protected by General Assembly resolutions and the Argentine Constitution. He reaffirmed the legitimate right of the Argentine Republic to sovereignty over all parts of its national territory, which included those Islands, as well as the South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

83. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela), speaking in exercise of the right of reply, said that the Moroccan representative was engaged in a strategy of provocation so as to divert attention from the real issue under discussion. The truth was that Morocco continued to occupy the Territory of Western Sahara in contravention of all international law and United Nations resolutions, and was right to feel embarrassed about its status as a colonial power waging a bloody and cruel war against the Saharan people. Moreover, Morocco could not change the fact that the Frente Polisario was recognized as a legitimate representative of the Saharan people in General Assembly resolutions 34/37 and 35/19 in particular. His Government recognized the Sahrawi Arab Democratic Republic as a sovereign nation and would continue to support its right to self-determination leading to independence.

84. The operation in the Guerguerat region constituted a violation of the ceasefire of 1991 and was unconnected with any anti-trafficking efforts. Furthermore, to describe Western Sahara as the last colony in Africa was consistent with the AU resolutions adopted with respect to the self-determination and independence of that Territory and flouted by Morocco, which was the reason for its absence from the AU membership. As a current member of the Security Council, Venezuela was well aware of the French opposition to any resolution addressing the question of Western Sahara. It called for a referendum on self-determination to enable the people of Western Sahara to decide their own future and free themselves from illegal occupation. Venezuela was furthermore a sovereign nation and would continue to speak out on the matter from the perspective of international law.

85. **Mr. Hilale** (Morocco), speaking in further exercise of the right of reply, said that the Declaration on decolonization also addressed the self-determination of peoples living under dictatorship and whose elected representatives were killed, imprisoned or disappeared simply because they opposed the regime. One such example was Henrique Capriles, a former presidential candidate and opposition leader who had long been imprisoned.

86. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela) suggested that his Moroccan counterpart should check his information carefully before making provocative and ignorant claims. Henrique Capriles was currently serving as a governor in Venezuela; he was not in prison.

87. **Mr. Hilale** (Morocco), resuming the exercise of his right of reply, said he was delighted to hear that Mr. Capriles was no longer in prison. He still wished to raise the cases, however, of Laurent Saleh, an activist who was serving a 27-year sentence in an underground prison in Caracas, and Horatio Blanco who had died in prison.

88. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela), speaking on a point of order, again appealed to the Chair to ensure compliance with the rules of procedure, saying that he should be strict in applying them equally to all speakers. The Moroccan representative must not be permitted to make offensive and inaccurate comments about his country, particularly when they were not relevant to the subject under discussion, namely decolonization.

89. **The Chair** said that he was respecting the rules of procedure by granting the requests of those wishing to speak, but he could not make judgement calls about the offensiveness of every remark made from the floor. He requested the representative of Morocco to stick to the items at hand, which did not include Venezuela.

90. **Mr. Hilale** (Morocco), again resuming the exercise of his right of reply, said that the Venezuelan representative was surely aware that the Moroccan delegation, too, had the right to reply to any criticisms or false allegations that he might make against Morocco in any United Nations forum or from his position as Chair of the Special Committee. The point he wished to make, however, was that decolonization also applied to dictatorships.

91. **Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela), expressing regret for any offence caused, said that Morocco was perhaps referring to the compromise position adopted by his country towards the decolonization process. He emphasized that Venezuela was fully engaged in its work as Chair of the Special Committee, insisting in that role on compliance with all resolutions, including those pertaining to Western Sahara. It would continue to support efforts in connection with the 17 Non-Self-Governing Territories and such cases as Gibraltar, the Malvinas Islands and Puerto Rico. Indeed, it could never be other than actively committed to decolonization in order to end what was a shameful state of affairs.

The meeting rose at 6.30 p.m.

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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 6th meeting
Held at Headquarters, New York, on Friday, 7 October 2016, at 3 p.m.

Chair: Mr. Drobnjak (Croatia)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 3 p.m.

Agenda item 54: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*)
(A/71/23 (chaps. VII and XIII) and A/71/68)

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Agenda item 58: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)
(A/71/23 (chaps. VIII, IX, X and XIII) and A/71/224)

1. **Ms. Radwan** (Saudi Arabia), speaking on behalf of the Gulf Cooperation Council (GCC) countries, reiterated their support for the exercise of the right of self-determination by peoples under alien or colonial rule, which constituted a violation of human rights and democratic values. They were concerned about the failure of the United Nations and the administering Powers to fulfil their obligations under Security Council and General Assembly resolutions and the Charter of the United Nations to end colonization; and they urged administering Powers to take responsibility for engaging in constructive dialogue with all parties concerned.

2. The GCC countries believed that the right of the Palestinian people to self-determination and the exercise of all their inalienable rights must be underscored. They therefore called for an immediate timetable for ending the Israeli occupation and compelling Israel, the occupying Power, to respect international law, and for a cooperative response by Israel to the Arab Peace Initiative relaunched by Saudi Arabia over four years earlier with a view to establishing an independent Palestinian State with East Jerusalem as its capital. Israel must also withdraw from all occupied Arab lands.

3. The Secretary-General and his Personal Envoy for Western Sahara were making praiseworthy efforts to find a solution to the question in accordance with Security Council resolutions. The GCC countries welcomed the cooperation of Morocco with the United Nations and its efforts to achieve economic and social development in the Sahara region. The Riyadh declaration of 20 April 2016 adopted by the Morocco-GCC Summit reaffirmed the principled support of GCC countries for the Moroccan position and their endorsement of its autonomy proposal. Autonomy that was acceptable to both parties to the dispute would be a good option. The countries called upon all involved to continue working to achieve a political solution based on dialogue and rejected any attempts to undermine the higher interests and sovereignty of Morocco. A lasting end to the dispute was vital for the stability and security of the Sahelo-Saharan region.

4. **Mr. Morales López** (Colombia) said that a lasting solution to the question of the Malvinas Islands was of interest not only to his country, but also to the entire Latin American and Caribbean region. Colombia reiterated its firm support for the rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as expressed previously in various regional forums. It was vital to find a peaceful negotiated solution to that special and particular colonial situation that involved a recognized sovereignty dispute between Argentina and the United Kingdom. His delegation urged both parties to resume negotiations to that end, as soon as possible, through a process of dialogue and cooperation in line with the relevant United Nations resolutions. Colombia welcomed the good offices of the Secretary-General to assist them in finding a peaceful solution to the dispute, as mandated by the General Assembly, but deplored the lack of progress despite the adoption of resolution 2065 (XX) and subsequent resolutions of the General Assembly and the Special Committee. In the meantime, the provision of resolution 31/49 cautioning against the introduction of any unilateral modifications in the situation must be respected. His delegation recognized the readiness and commitment of the Argentine Government to engage in dialogue to resolve

the dispute in accordance with United Nations resolutions, and called on both parties to maintain a constructive attitude in order to reach a lasting, peaceful solution to the situation.

5. **Mr. Djani** (Indonesia) said the fact that there remained 17 Non-Self-Governing Territories served as a vivid reminder that the United Nations must advance decolonization. Activities such as visiting missions, the annual regional seminars and the Week of Solidarity with the Peoples of Non-Self-Governing Territories continued to permit updated assessment and dissemination of the latest information on the political, social and economic situation in the Territories. The Department of Public Information was making an effort to work with the administering Powers to disseminate information regarding decolonization; and other United Nations bodies like the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund and the United Nations Development Programme should continue providing the technical assistance needed by the population of the Territories.

6. Welcome steps had been taken to bolster dialogue between the Special Committee on decolonization, the administering Powers and the relevant stakeholders, and to enable that Committee's Bureau, pursuant to General Assembly resolution 69/107, to discuss the decolonization agenda regularly with the Secretary-General. However, all Member States needed to redouble their efforts to assist the remaining Non-Self-Governing Territories. Only with open minds and the active participation and political will of all concerned could progress be achieved on that crucial issue.

7. Visiting missions by members of the Special Committee were an effective means of ascertaining the situation in each Territory and, as mandated by General Assembly resolution 70/231, the administering Powers should continue to facilitate such missions, on a case-by-case basis. Indeed, it was a general rule that the specificities and particular circumstances of each Non-Self-Governing Territory must always be borne in mind. All the parties involved had to engage in dialogue, either at the United Nations or bilaterally, in order to find mutually acceptable solutions that would have a real and meaningful impact on the lives of the peoples of the Territories.

8. **Mr. Hermida Castillo** (Nicaragua) said that it had been an honour for Nicaragua to host the Special Committee during its regional seminar on decolonization, boosting his country's unwavering commitment to the eradication of colonialism. In the Fourth Committee, his delegation had once again listened with great interest to the petitioners — those true representatives of the peoples of Non-Self-Governing Territories — who had travelled great distances to relate, in the insufficient time allotted them, their struggle under the yoke of colonialism. Nicaragua stood in solidarity with all Territories in their valiant resistance to the colonial Powers. The Community of Latin American and Caribbean States (CELAC) had declared their whole region a zone of peace, free of colonialism. Yet, more than half of the dependent Territories were in the region.

9. The question of the Malvinas Islands, involving a special and particular colonial situation in dispute between Argentina and the United Kingdom, was of great importance to the region and it was up to those two parties alone to negotiate a lasting, peaceful solution. The military occupation of Argentine and Latin American territory, usurped by force by the United Kingdom in 1833, must end. It was unacceptable that the United Kingdom should continue to ignore repeated calls by Argentina and by the entire international community — in United Nations resolutions as well as in multilateral and regional forums — to resume negotiations with Argentina on the issue of sovereignty in order to bring a peaceful and lasting end to its unlawful military occupation. Nicaragua supported the legitimate sovereignty of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as well as their subsoil and natural resources. The colonial, imperialist enclaves in the Malvinas Islands should be removed and the lands returned to their rightful owners: the people of Argentina.

10. CELAC would continue to affirm the Latin American and Caribbean identity of Puerto Rico, until it gained its independence and sovereignty. Thirty-five resolutions and decisions of the Special Committee had reaffirmed the inalienable right of its people to self-determination and independence under General Assembly resolution 1514 (XV). The Fourth Committee and the General Assembly should fulfil their mandates and examine the colonial situation in Puerto Rico more

carefully, and the colonial Power must allow the Territory's inhabitants to fully exercise their right to self-determination. The current economic and financial situation on the island underscored the urgency of decolonization. Under the colonial status quo there were no real initiatives for a new socioeconomic strategy for the Puerto Rican people; the only viable option was independence. Furthermore, it was time for the United States to heed the universal humanitarian call for the immediate and unconditional release of Oscar López Rivera, a Puerto Rican political prisoner who had been in jail in the United States for over 35 years.

11. With generations of Sahrawis having endured harsh conditions and the humiliation of colonialism, the ever-worsening situation in Western Sahara could have severe repercussions on peace and security in the region. It was unacceptable that the Sahrawi people remained unable to exercise their right to self-determination and independence, despite repeated calls by the international community for over 40 years; a solution to the situation was long overdue. Nicaragua remained committed to the Sahrawi people's national liberation struggle, led by the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario), and hoped that the negotiations between the Sahrawi Arab Democratic Republic and the Kingdom of Morocco would be restarted without preconditions to enable the people to exercise their right to self-determination.

12. Against the backdrop of the Third International Decade for the Eradication of Colonialism, all Non-Self-Governing peoples and Territories should be granted self-determination and independence and be included in the 2030 Agenda for Sustainable Development.

13. **Mr. Zamora Rivas** (El Salvador) said that the only solution to what the United Nations had defined as a sovereignty dispute between the United Kingdom and Argentina was for the two parties to resume negotiations, as called for in General Assembly resolution 2065 (XX). Fifty years after its adoption, that resolution remained unheeded; his delegation therefore urged the General Assembly to take steps towards a peaceful settlement under Article 1 of the Charter of the United Nations. His Government continued to support the legitimate rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and highlighted the Argentine Government's bilateral and multilateral efforts to resolve such a major international issue. The United Kingdom and Argentina must refrain from introducing unilateral modifications in the situation while the Islands were going through the recommended process of negotiation. However, El Salvador supported the right of Argentina to take action against any unauthorized exploration and exploitation of the renewable and non-renewable resources on its continental shelf.

14. As for Western Sahara, El Salvador attached great importance to finding a peaceful, just and lasting solution in which human rights and the inalienable right to self-determination were protected. It was urgent for Morocco and the Frente Polisario to resume talks. His delegation expressed concern over the actions Morocco had taken to inhibit the fulfilment of the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO), which jeopardized the peace process. It therefore supported the draft resolution submitted by Algeria on that point.

15. El Salvador was also concerned about the situation in Puerto Rico and would support all initiatives consistent with international law and relevant United Nations resolutions that would bring an end to its occupation and make of Latin America and the Caribbean a region free of colonialism.

16. While the Department of Public Information was doing good work in publicizing the issue of decolonization, it should continue its efforts to adopt a more systematic rather than a piecemeal approach. The website should be made available in the six official languages, using up-to-date content, and all meetings related to the issue should be webcast live to enhance transparency.

17. **Ms. Sánchez** (Honduras) said that the decolonization process mandated by the General Assembly remained at a relative standstill and could be completed only through constant and more vigorous dialogue among the administering Powers, the Special Committee on decolonization and the peoples themselves.

18. Her delegation acknowledged the importance of the draft resolutions adopted over the past 51 years by the Special Committee in advancing deliberations on the issue of the Malvinas Islands and applauded the

good offices of the Secretary-General, urging him to continue working towards finding a peaceful solution to the dispute. In a number of multilateral forums, Honduras had been steadfast in supporting the sovereign right of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Standing with Argentina, the whole of Latin America had repeatedly advocated a speedy resolution of the dispute, and again as recently as during the fourth CELAC Summit in January 2016, had expressed the determination to see the region freed of colonialism.

19. **Mr. Llorentty Soliz** (Plurinational State of Bolivia) said that in the light of the upcoming fifty-sixth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples, international action to eradicate colonialism should be intensified, and administering and occupying Powers must implement measures to put paid to their own interventionist policies as a matter of priority. As the Third International Decade for the Eradication of Colonialism drew to a conclusion, it was shocking that there remained 17 Non-Self-Governing Territories. Until the administering Powers did what was necessary to ensure self-determination for each of them, taking into account individual contexts as well as special and particular colonial situations involving sovereignty disputes, the peoples of the world would continue their fight for independence.

20. His country was concerned by the continued colonial situation in the brotherly Latin American country of Puerto Rico. The Special Committee's thirty-five consensus resolutions on the question all affirmed the inalienable right of the Puerto Rican people to self-determination and independence in line with General Assembly resolution 1514 (XV) and international law. His Government rejected the fiscal control board imposed by the administering Power in order to restructure the Territory's public debt, which was but another example of the United States Government's reluctance to guarantee self-determination for the Puerto Rican people. Moreover, there was renewed concern at the ongoing incarceration of the political prisoner Oscar López Rivera, who should be immediately released on humanitarian grounds.

21. His Government reaffirmed its unwavering support for the legitimate rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Argentina was committed to dialogue and a resumption of negotiations with the United Kingdom to find a peaceful solution to the dispute, in accordance with resolution 2065 (XX) and the more than 40 successive resolutions adopted by the General Assembly in that regard. The United Kingdom continued to flout General Assembly resolution 31/49 calling upon both parties to refrain from introducing unilateral measures, in particular, the exploration and exploitation of natural resources and military actions. The United Kingdom must comply with the relevant resolutions and return the disputed Islands to Argentina, thus ending another dark chapter of colonization.

22. The aspirations of the people of Western Sahara to self-determination must also be achieved through peaceful negotiations, in accordance with the relevant General Assembly and Security Council resolutions.

23. **Mr. Sevilla Borja** (Ecuador) said that while the fight for political independence and self-determination was engraved in the history of humanity and the United Nations had played a significant role in helping peoples to attain that most important human right, the paralysis in the decolonization process brought about by the persistence of obsolete colonialist fantasies threatened international peace and security. There were three emblematic cases.

24. Despite the Special Committee's recognition of the inalienable right to self-determination for the Puerto Rican people as far back as 1972, the United States Government had recently ruled that the Constitution establishing the Commonwealth of Puerto Rico did not alter its status as a United States territory and that the ultimate power over all decisions on Puerto Rico lay with the United States Congress. The United States should instead assume its real responsibilities as the administering Power of a colony, and expedite the process that would enable the Puerto Rican people to exercise self-determination in an informed decision to select one of the three available decolonization options. That would entail dialogue with pro-independence factions as well.

25. Western Sahara remained the only colony on the African continent, illegally occupied by the Kingdom of Morocco. As a key member of the Non-Aligned Movement and the Group of 77 and China, Morocco

should understand that its destiny was to live in peace with its neighbours and within the bounds of international law. Morocco should begin negotiations immediately with the Frente Polisario, the sole legitimate representative of the Sahrawi people, and collaborate with the United Nations to hold the long-awaited referendum.

26. The dispute over the Malvinas Islands remained unresolved more than 50 years after the adoption of resolution 2065 (XX). Ecuador had always supported direct, peaceful negotiations to resolve the dispute over the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. It was still, however, a genuine case of decolonization, and the international community had a responsibility to take the necessary measures if one of the parties refused to enter into talks about the substance of the dispute. It was hoped that the Secretary-General-designate would use his good offices to find innovative solutions.

27. In addition to those three emblematic situations, 15 other Non-Self-Governing Territories remained on the Committee's agenda. Their decolonization must be completed once and for all, and administering Powers must improve their compliance with their international obligations, which included facilitating visiting missions to the Territories. He wished to express his country's support for the imaginative joint sovereignty proposal made at an earlier meeting by Spain with reference to Gibraltar. It was a realistic and practical solution that would remove Europe's last colony from the list.

28. His delegation would like the Committee to begin to consider other cases of territories under foreign control which had been excluded from the decolonization process for various reasons. In Latin America and the Caribbean and other regions, there still existed colonies separated by thousands of kilometres from their capitals — the remnants of decadent colonial empires. Ecuador would expand further on that proposal at the next session of the Special Committee. For as long as colonial domination continued, the human rights of peoples in need of attention would be denied and there would be the risk of those territories becoming flashpoints that threatened international peace and security. The continued foreign occupation of Palestine was the perfect example.

29. **Mr. Xu** (People's Republic of China) said that the issue of decolonization and Non-Self-Governing Territories was the historical legacy of the colonial rule of the West. Helping colonies and their people exercise their right to self-determination and attain independence was in line with the principles and purposes of the Charter of the United Nations. Throughout the world, particularly in the Pacific and Caribbean regions, many populations wished to obtain independence. The burdensome legacy of colonialism had resulted in a series of complicated issues and conflicts. In resolving decolonization-related disputes, the international community must relinquish the dated colonial mentality.

30. Much remained to be done for the cause of decolonization. China had always supported the colonies and, currently, the Non-Self-Governing Territories, in their fight for self-determination. It supported the sovereign claim of Argentina to the Malvinas Islands, South Georgia Islands, South Sandwich Islands and the surrounding maritime areas. At the same time, it had always been China's position that parties to disputes over dependent Territories should uphold the Charter and the relevant General Assembly resolutions, and that negotiations should be conducted so that the disputes could be resolved peacefully and lasting political solutions be found that were acceptable to all involved. China would continue to participate actively in the work of the Fourth Committee and the Special Committee. It stood ready to work closely with the other Member States to promote the positive results of the Third International Decade for the Eradication of Colonialism in order to fully realize the historical mission of decolonization.

31. **Mr. Matjila** (South Africa) said that his Government stood in solidarity with the Government and people of the Sahrawi Arab Democratic Republic in their struggle to attain self-determination, thus fulfilling the dream of their late leader, Mohamed Abdelaziz.

32. Given that democratic South Africa had been founded on the basis of the right to self-determination, it attached great importance to the issue of decolonization and believed in a people's legitimate right to free itself from the yoke of colonialism. It remained seriously concerned that Western Sahara was the last colony on the African continent still listed as a Non-Self-Governing Territory by the United Nations despite the

fact that the General Assembly had consistently recognized the Sahrawi people's inalienable right to self-determination and independence under General Assembly resolution 1514 (XV). The fact that Morocco was an occupying Power was not debatable and had been settled by both the General Assembly in various resolutions and the International Court of Justice in its 1975 advisory opinion. The Organization must act upon its various decisions and bring about the self-determination of the people of Western Sahara without further delay.

33. The liberation of the Sahrawi people remained a priority for Africa. It had been consistently reaffirmed by the African Union (AU) Peace and Security Council and various AU Assemblies of Heads of State and Government that, without the successful resolution of the situation in Western Sahara on the basis of international law, tensions would persist in the Territory and efforts to promote integration in the Maghreb would be futile. The AU had also called for the observance of human rights in Western Sahara, and the halting of the exploitation of the Territory's natural resources which, in a 2002 legal opinion by the then Legal Counsel of the United Nations, had been declared illegal if such activities did not benefit the people and respect their wishes. The illegal exploitation of natural resources in Western Sahara by Morocco had recently been denounced in an address to the United Nations Security Council by the African Union Special Envoy for Western Sahara, who had also warned that the Moroccan decision to expel the civilian personnel of MINURSO following the Secretary-General's visit to the region carried a risk of military escalation; had called for a date to be set for the mandated referendum; and had requested inclusion of the protection of human rights in the mandate of MINURSO. It was important for MINURSO, as it gradually returned to full functionality, to do so in compliance with Security Council resolution 2285 (2016).

34. Despite the laudable efforts of the Personal Envoy of the Secretary-General for Western Sahara, his attempts to travel to the region had been continuously impeded since May 2016, particularly by the Moroccan authorities, and that would have a negative impact on his forthcoming briefings to the Security Council and the Secretary-General. Reports of violations of the ceasefire agreement in the Gargarat area were also a matter of great concern, and all parties must adhere to their obligations to prevent an escalation of tensions. Cooperation between the Personal Envoy of the Secretary-General and the AU Special Envoy, called for by the Security Council, would certainly help resolve the conflict in Western Sahara. The Third International Decade for the Eradication of Colonialism must not be allowed to pass without the people of Western Sahara being afforded their inalienable right to self-determination. Member States must no longer remain indifferent to the plight of those who sought the same freedoms they themselves enjoyed.

35. **Mr. Tangara** (Gambia) said that his delegation welcomed the announcement by Morocco that it would rejoin the African Union, which would give the peace process in the Sahara a wider support base and allow Morocco to return to its family and take its rightful place in their continental organization.

36. Gambia expressed its full and unequivocal support for the ongoing political process under the auspices of the United Nations. The road to peace in the Sahara had been long, but his delegation wished to add its voice to the numerous calls for investing in that political process. It supported the recommendations of Security Council resolutions to that end, including resolution 2285 (2016), and reiterated the importance of compromise and a spirit of reconciliation.

37. It was incumbent on all to support the Moroccan 2007 autonomy initiative, which was the basis of the current United Nations-led political process and the only framework that could offer a compromise solution to the protracted dispute. That initiative had been reviewed by all and found to be credible and visionary. It was important to note that Morocco had made significant progress in its administrative and human rights obligations in the Saharan region. Security Council resolution 2285 (2016) highlighted that country's cooperation with the Office of the United Nations High Commissioner for Human Rights and its strengthening of the National Council of Human Rights and regional commissions in Laayoune and Dakhla. Morocco had also registered major achievements in economic and social development by investing almost $8 billion under a new development model. The Saharan region was undergoing an economic transformation and could achieve further development if peace and stability were restored. Morocco was making welcome efforts to create a supportive environment for political activity.

The municipal and regional elections that had been held in September 2015 had provided the Saharan people with a solid political framework for managing their own affairs.

38. The resolution of the Saharan dispute required urgent action. The international community must therefore support the autonomy initiative, which would guarantee the territorial integrity and cohesion of Morocco and its people. Peace and stability in the Sahara would ensure the same in the Maghreb.

39. **Ms. Lodhi** (Pakistan) said that progress on the Organization's critical but long-standing decolonization agenda had slowed considerably at a time when its attainment was far from complete. The international community was past the halfway mark of the Third International Decade for the Eradication of Colonialism and must intensify its efforts to end colonialism in all its forms and manifestations. The legal framework for it already existed and lack of implementation remained the principal impediment and challenge. Member States should focus on the uniform, comprehensive and non-selective implementation of General Assembly and Security Council resolutions. Selective implementation not only undermined the Organization's credibility, but also fuelled and deepened conflicts and compounded people's suffering.

40. Pakistan firmly believed that the right to self-determination was one of the fundamental human rights. The Organization's agenda would remain incomplete without the resolution of the Jammu and Kashmir dispute, which was among its oldest items. For over six decades, Security Council resolutions providing for a plebiscite under United Nations auspices to allow the Kashmiri people to determine their destiny had not been implemented. That was the most enduring failure of the United Nations. Generations of Kashmiris had seen only broken promises and brutal oppression.

41. The Kashmiri people had again risen in unison against occupation. The ongoing indigenous uprising was a consequence of the denial of their right to self-determination, and had once more been met with Indian brutality. In the past two and a half months, over a hundred innocent Kashmiris had been killed, and thousands had been injured. The decades-long illegal occupation of Jammu and Kashmir by India was the worst form of State terrorism and a war crime. Despite Indian claims, which were a travesty of history and law, Jammu and Kashmir never was and never could be an integral part of India. It was a disputed Territory whose final status had yet to be determined in accordance with Security Council resolutions, and whose right to self-determination had been acknowledged and promised to it by the Security Council.

42. Similarly, in the Middle East, the continued denial of the right to self-determination to the Palestinian people was the core of the conflict and a grave impediment to lasting peace. The continuation of the illegal policy of settlement-building was quickly eroding the future State of Palestine from within. Pakistan supported the Palestinian people's just struggle for freedom and believed that a strong and viable State of Palestine would be the only guarantor of peace in the region.

43. **Ms. Beckles** (Trinidad and Tobago) said that not so long ago, her own country and numerous others in the room had been listed as Non-Self-Governing Territories. The Organization's active support and vigilance through the Fourth Committee had been instrumental in their self-determination.

44. However, the Special Committee's agenda remained unfinished and Member States should not forget that their task was not yet completed. It was a matter of concern that 17 Non-Self-Governing Territories still did not have a voice in deciding their own future and that, furthermore, six of them were located in the Caribbean, impeding regional integration. While certain internal reforms had been enacted in several Territories, little progress had been made in actual decolonization consistent with the recognized political status options of independence, free association or integration. The affirmations of support and annual adoption of resolutions were not sufficient if the decolonization mandates were not implemented. For its part, Trinidad and Tobago was committed to ensuring that tangible achievements were made towards the goal of eradicating colonialism.

45. Her Government maintained its long-standing support for the self-determination of the people of Western Sahara. It commended the efforts undertaken by the Personal Envoy of the Secretary-General and the activities of MINURSO, and also supported the Security Council's call, in resolution 2285 (2016), for continued negotiations under the auspices of the United

Nations without preconditions and in good faith. It encouraged the parties to continue negotiating in a spirit of compromise and sincere commitment with the goal of achieving a just, lasting and mutually acceptable solution. Member States could not afford to continue to pay the price of constant repetition without achieving concrete results in the decolonization process.

46. **Mr. Bosah** (Nigeria) said that the inalienable right of peoples to freely realize their aspirations undergirded his Government's call for accelerating the granting of independence to the 17 remaining Non-Self-Governing Territories. All available options must be explored and all relevant resolutions applied to reinvigorate the advancement of self-determination in all Territories under colonial domination.

47. It was a matter of great concern that the question of Palestine remained unresolved. There must be a renewed commitment to mobilize negotiations to resolve the lingering issues and attain political independence for its people on the basis of a two-State solution in line with all relevant United Nations resolutions.

48. Regrettably, negotiations on the right of the people of Western Sahara to self-determination had produced no significant results for over forty years. Nigeria supported the African Union's call for setting a date for a referendum in conformity with the principles set out in Security Council resolution 690 (1991) and other relevant United Nations resolutions. Given the reports of rising tensions in the region, all efforts must be made to avert the deterioration of peace and security. That would require the resumption of negotiations, and would involve a return to the framework for the Manhasset rounds, with the parties to the dispute holding direct negotiations in good faith and without preconditions. The Special Committee should give priority to the question of Western Sahara, and the Security Council should renew its commitment to bringing about a lasting solution to the dispute.

49. **Mr. Soumah** (Guinea) said that valuable efforts had been made so that all concerned parties, including the neighbouring countries, could embark on negotiations to arrive at a political, negotiated and mutually acceptable solution to the dispute in the Sahara region. His delegation welcomed the diplomatic visits carried out by the Secretary-General and his Personal Envoy and encouraged consultations towards a realistic and compromise-based solution pursuant to Security Council resolutions and particularly resolution 2285 (2016), which recognized the need to consolidate cooperation within the Arab Maghreb Union in order to establish stability and security in the Sahel region.

50. Morocco had done well to undertake significant reforms in the field of human rights, by strengthening the role of its National Human Rights Council and its human rights commissions in Laayoune and Dakhla, and by cooperating with the Office of the United Nations High Commissioner for Human Rights. Municipal and regional elections had been conducted in the Sahara region in September 2015, with many local Saharans elected, and Morocco had launched an ambitious programme for the development of the region. It should be noted, by contrast, that the Secretary-General in his report (S/2016/355), the Security Council in resolutions adopted since 2011 and the United Nations High Commissioner for Refugees had all requested, yet again, a census of the Saharans living elsewhere in the Tindouf camps. Guinea subscribed to the principles of the negotiated political solution of disputes and the self-determination of peoples, and believed that the Moroccan autonomy initiative was in conformity with those principles. It therefore supported that initiative as the basis for the ongoing political process and the sole framework for reaching a compromise on that dispute.

51. **Mr. Otto** (Palau) welcomed French Polynesia and New Caledonia to the Pacific Islands Forum and was confident that both would complete the decolonization process in a manner respectful of the wishes of their indigenous populations.

52. His delegation took note of the developments surrounding the question of Western Sahara, including Moroccan investment in Saharan economic and social development and in human rights. However, reports of the conditions of the Saharan refugees elsewhere in the region were a cause for concern. The parties involved were requested to address the humanitarian concerns in accordance with the commitments made at the 2016 World Humanitarian Summit and in the subsequent New York Declaration for Refugees and Migrants.

53. Palau strongly supported United Nations efforts to resolve the question of Western Sahara, and encouraged the parties themselves to engage in substantive negotiations

with a view to reaching a just, lasting and mutually acceptable political solution. The Moroccan proposal for an autonomy statute for the Saharan region under Moroccan sovereignty provided a credible compromise as well as a basis for moving forward with negotiations. He trusted that the United Nations would uphold the principles of sovereignty and territorial integrity so that the aspirations of the people of Western Sahara could be fulfilled.

54. **Mr. Kimpolo** (Congo) reaffirmed his delegation's commitment to work alongside other members of the Special Committee on decolonization in order to accelerate the decolonization progress and bring an end to colonialism.

55. Congo encouraged the parties to the dispute over Western Sahara to pursue negotiations in good faith, with a view to reaching a just, peaceful, lasting and mutually acceptable political solution in accordance with the relevant General Assembly and Security Council resolutions. Such a solution would promote trust and strengthen stability and security in the entire region. At the same, it would set up arrangements for allowing the people of Western Sahara to exercise their right to self-determination. His Government welcomed the decision by Morocco to rejoin the African Union, where it would continue the historic role it had always played in peace and development on the continent.

56. **Mr. Shingiro** (Burundi) said that the parties to the Western Sahara conflict, a long-standing source of international discord and regional instability, should enter into negotiations under the auspices of the Secretary-General. Bearing in mind that it would be impossible to wholly satisfy their individual demands, they should focus instead on achieving a practical and mutually acceptable solution that was politically realistic.

57. Burundi supported the Moroccan autonomy initiative because it was the only serious and credible framework for a balanced political solution and, furthermore, because it offered promising possibilities for preventing terrorist threats, human and other types of trafficking, organized crime, illegal immigration and the risk of instability in the Sahelo-Saharan region. Given both the human and political dimensions of the negotiation process, the Secretary-General should continue to advocate improved relations between the two parties directly concerned. Both would benefit from better relations and the opening of their common frontier. Resolution of the question of Western Sahara would also undoubtedly contribute to stability and security in the Sahel. In that regard, among the parameters established by successive Security Council resolutions on the question, from 2007 to 2016, the parties to the conflict and the neighbouring States had been urged to continue to cooperate fully with the United Nations and with each other in order to reach a balanced political solution.

58. It was important to take into account the regional aspect in any approach to a mutually acceptable political solution to the conflict. Regional integration was key to overcoming instability and reaping economic, commercial and social dividends. The Personal Envoy of the Secretary-General should thus step up communication with subregional organizations, including the Arab Maghreb Union, and with other countries in the region to promote subregional appropriation of that long-standing conflict. Burundi welcomed the cooperation of Moroccan authorities with the Personal Envoy as well as the normalization of relations between Morocco and MINURSO, whose presence was critical in keeping the peace. Fortunately, the recent Moroccan municipal and regional elections had taken place in the Sahara without major incident and in an atmosphere of calm.

59. Lastly, his delegation welcomed Morocco's decision to return to the African Union, which would contribute to the building of a united, peaceful and prosperous continent.

60. **Mr. Tiare** (Burkina Faso) said that his Government supported the right to self-determination of peoples living in Non-Self-Governing Territories. The United Nations should not only encourage frank dialogue between administering Powers and the populations under their control, but also do what was needed to help resolve any remaining issues in the Territories.

61. On the question of Western Sahara, his delegation welcomed the adoption of Security Council resolution 2285 (2016) extending the mandate of MINURSO, as well as the efforts of Morocco, which included the launching of a massive investment plan that would boost development in the Sahara region. The Personal Envoy of the Secretary-General had himself engaged in valuable shuttle diplomacy in the region, and the various parties concerned must now renew dialogue through substantive negotiations. The Moroccan autonomy

initiative was a credible and realistic proposal. The definitive resolution of the question of Western Sahara would allow the States of the region to join forces and effectively combat the scourge of insecurity overtaking it.

62. **Mr. Koonjul** (Mauritius) said that the Committee's failure to resolve the remaining decolonization cases was disheartening. All those involved in the process must pursue the cause of decolonization, thereby allowing the legitimate aspirations of the peoples still living under colonial rule to be fulfilled.

63. Mauritius supported the attempts of the Secretary-General and his Personal Envoy to find an acceptable solution to the question of Western Sahara, but was deeply concerned by the events that had led to the expulsion of some MINURSO staff from Morocco earlier that year, for the Mission must, as Security Council resolution 2285 (2016) had stipulated, return to full functionality. The original United Nations Settlement Plan put forward in 1988 still provided a good basis for a solution, and the Special Committee should call a special session on Western Sahara, and refer to the Plan in recommending steps to complete the process of decolonization, including a proposal for setting a date for the referendum. Mauritius supported the right of self-determination for the Palestinian people, welcomed United Nations recognition of Palestine as an Observer, and called for the establishment of a viable state of Palestine on the basis of agreed international resolutions.

64. Because the international community was responsible for furthering the cause of peace, rule of law, justice and respect for human rights, it should seize every available opportunity to redress past wrongs and advance decolonization. The political emancipation of a people and its legitimate right to self-determination should not be denied on irrational grounds put forward by administering Powers, such as geographical remoteness, small population, size, or the purported desire for those in the Territories to remain under colonial rule.

65. **Ms. Sughayar** (Jordan) said that any attempt to hinder freedom, sovereignty or territorial integrity contravened the Charter of the United Nations, which had enshrined equal respect for the rights of all countries and peoples as one of the Organization's fundamental principles. The United Nations bore the primary responsibility for granting independence to Non-Self-Governing Territories. In addition to having their rights curtailed, peoples living under colonial rule faced diminished prospects for economic, social and cultural development. Traditional approaches to ending colonialism would not yield the desired progress. It would instead be necessary to keep pace with global developments by adopting a new approach to comprehensive dialogue that made decolonization a priority. It was important for the Special Committee to send more visiting missions to the 17 Non-Self-Governing Territories for the purposes of data collection but also of mediation and dialogue among the parties.

66. The Palestinian people had been under occupation for decades. Jordan urged the international community to act to end the Israeli occupation in accordance with the relevant United Nations resolutions, and called for the establishment of a free independent Palestinian State within 1967 borders, with East Jerusalem as its capital. The Palestinian people, like all those under occupation, should be protected from repressive or racist practices and exploitation, and their interests should be safeguarded by the United Nations.

67. With regard to Western Sahara, Jordan urged all parties to redouble their efforts to cooperate with one another in good faith and without preconditions in order to reach a just and lasting political solution that would be based on Security Council resolutions and international law, taking into account the concerns of the inhabitants of Western Sahara. Her Government supported the good offices of the Secretary-General and his Personal Envoy and stressed that the United Nations was the only mediator accepted by all parties and able to bring about a rapprochement. Lastly, Jordan welcomed efforts made by Morocco to achieve development in the region and its serious and credible proposal for autonomy.

68. **Mr. Prieto** (Peru) said that his country had been a strong supporter of United Nations efforts to bring an end to colonial situations since the Organization's inception. Although over 80 Territories had achieved independence in the 50 years since the adoption of General Assembly resolution 1514 (XV), the process of decolonization remained unfinished. The United Nations should therefore direct its efforts at reversing such injustice. Political will and the adoption of a sustained case-by-case approach and evaluation were essential to success. The Special Committee, as it worked so

tirelessly on behalf of self-determination, must maintain direct contact with the parties involved in order to help advance decolonization. The administering Powers as well must cooperate with the Special Committee and adopt the measures necessary to accelerate decolonization and facilitate the sustained growth of the colonized Territories.

69. With regard to the Malvinas Islands, where historical and legal circumstances precluded the possibility of exercise of the right to self-determination, Peru had in 2013, together with other Latin American and Caribbean countries, succeeded in having the Secretary-General resume his good offices on the question. Peru would continue to support the legitimate rights and sovereignty of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Negotiation was the only means of resolving that issue, and Argentina and the United Kingdom should resume talks as soon as possible with a view to finding a peaceful, constructive and sustainable solution to the conflict. The Governments of both States had made welcome efforts to improve bilateral relations. They should meanwhile refrain from unilaterally introducing modifications to the current situation in the Islands, in accordance with General Assembly resolution 31/49.

70. **Mr. Ndong Mba** (Equatorial Guinea) said that his Government was a firm proponent of the peaceful settlement of disputes through dialogue, cooperation and consensus, which were key to guaranteeing sustainable development and the well-being of the people of disputed Territories. Dialogue had in fact played a role in some of the positive developments relating to the question of Western Sahara.

71. His delegation welcomed the adoption of Security Council resolution 2285 (2016) and urged the Secretary-General and his Personal Envoy to continue their efforts to help resolve the dispute. It noted the positive initiatives Morocco had taken in order to advance a mutually acceptable political solution, such as the holding of elections and the steps taken to improve the protection of human rights in the Sahara region. While it was crucial that the parties involved should support the efforts of the United Nations, it was equally important to have the international community and the States of the region support them. That would ensure the resolution of the conflict and allow the Saharan region to embark at last on the course of sustainable development.

72. His delegation trusted that, as in the previous year, the decisions and resolutions before the Committee would be adopted by consensus, thereby maintaining and deepening the current climate of dialogue.

73. **Mr. Emvula** (Namibia) said that his delegation regarded the question of Western Sahara as a special and particular situation of decolonization. The President of Namibia had demonstrated his country's openness to discussion with Morocco on all subjects, including the long-deferred referendum on Western Sahara, by visiting that country earlier in the year. Namibia called on Morocco to demonstrate its adherence to the purposes and principles of the United Nations by implementing its relevant resolutions and decisions. The people of Western Sahara should be allowed to enjoy their inalienable right to self-determination as well as to decide the legitimacy of any claim over the Territory. Namibia was prepared to accept the outcome of the referendum; however, it should be closely monitored to ensure the fairness and legitimacy of the process.

74. Namibia was gravely concerned by indications that a war between Moroccan and Frente Polisario forces could be triggered at any moment, and requested the belligerent Member State to respect the 1991 ceasefire brokered by the United Nations. It deplored the expulsion of MINURSO staff from the occupied Territory, regretting both the Security Council's indecisiveness and its failure to employ stronger language in resolution 2285 (2016), and called for the re-admission of the expelled MINURSO personnel. The Security Council must work with the Moroccan Government to ensure the holding of the referendum, as should countries such as France and Spain. Namibia reaffirmed its full support for the inalienable right of the people of Western Sahara to self-determination and national independence if they so wished, and reiterated its call on the United Nations to assume its full responsibility in that respect.

75. **Mr. Ciss** (Senegal) said that the Moroccan proposal for autonomy, a good faith initiative, provided an appropriate framework for finding a definitive solution to the dispute over Western Sahara through a realistic compromise. Resolving the dispute would benefit the region and the wider world by promoting economic

cooperation and development as well as enabling the countries of the Maghreb to confront such regional challenges as terrorism, transnational organized crime and trafficking in weapons and persons. In that connection, Security Council resolution 2285 (2016) recognized that achieving a political solution to that long-standing dispute and enhanced cooperation between the Member States of the Arab Maghreb Union would contribute to stability and security in the Sahel region. Moreover, a negotiated political solution would make it possible to address the issue of refugees in the Tindouf camps.

76. Successful diplomacy had paved the way for the gradual return of the civilian component of MINURSO personnel, and the Committee should endorse the Security Council's recommendation that the parties continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, with a view to achieving a just, lasting, and mutually acceptable political solution. Moreover, the ongoing cooperation between the Personal Envoy of the Secretary-General, Morocco and all concerned parties was commendable, as was the commitment of Morocco to ensuring the success of the political process.

77. Also worthy of note were the progress Morocco was making in promoting human rights in the Sahara region; its launch of a 7.7 billion-dollar development programme for its southern provinces and the holding of municipal and regional elections in the Sahara in September 2015, followed by legislative elections in 2016. Lastly, along with 28 other member States of the African Union, Senegal had warmly welcomed the recent decision of Morocco to return to the African Union, of which it had been a founding member.

78. **Mr. Rai** (Papua New Guinea) said that the United Nations must expedite the decolonization of the 17 remaining Non-Self-Governing Territories. In New Caledonia, both the French Government and the Territorial government had to ensure that the self-determination referendum there was fair and transparent. In their presentations, the petitioners from New Caledonia had failed to clarify how the development of the indigenous Kanak people would be sustained under the new political status to be determined by the referendum. Papua New Guinea hoped to ensure that the Kanak people of New Caledonia — which was a member of the Melanesian Spearhead Group — would play an active role in the integration of that Group and the Pacific Islands Forum.

79. With regard to the question of French Polynesia, his delegation requested the group that wanted French Polynesia to be removed from the list of Non-Self-Governing Territories and the opposing group that wanted the Territory to remain on the list to consult one another, reach a compromise and possibly consider another referendum to determine the future of French Polynesia.

80. In the case of Western Sahara, the ongoing political process under the auspices of the Secretary-General and his Personal Envoy should be supported, and a negotiated, durable political settlement should be based on practical realities, good faith and compromise, in accordance with United Nations resolutions, with all parties demonstrating flexibility. Papua New Guinea welcomed the recent visits of the Personal Envoy to the region and the commitment of all parties concerned to continue to contribute positively to the United Nations-led process.

81. **Mr. Dedji** (Togo) said it was regrettable that the parties involved in the dispute over Western Sahara had not yet managed to attain a peaceful, just and lasting solution. Negotiation being the only way forward, Togo fully supported the ongoing political process under the auspices of the United Nations. All parties had to abandon rigid positions and adopt a pragmatic approach in a spirit of openness and compromise. His Government believed that the Moroccan autonomy proposal — part of the Kingdom's broader move towards decentralization — was a realistic and credible one that offered a compromise solution, attesting to a sincere desire to contribute to United Nations efforts. It also welcomed the Moroccan Government's cooperation with the Personal Envoy of the Secretary-General, who had conducted several visits to the region and met with all relevant parties on the occasion of the opening of the current session of the General Assembly. Moreover, Morocco had made significant gains in the area of human rights. In September 2015, it had held municipal — and for the first time, regional — elections in the Sahara region.

82. Togo called for a census and registration of the population in the Tindouf refugee camps to be conducted without delay, in accordance with

international humanitarian law and at the urging of the United Nations High Commissioner for Refugees, the Security Council and the Secretary-General in his reports (S/2015/246, S/2016/355).

83. In addition to its dramatic impact on the lives of the Saharan population, the conflict hampered regional cooperation and undermined the Arab Maghreb Union. Furthermore, in the light of the destabilizing effects of extremist and terrorist gang activity on peace and stability in the Sahelo-Saharan region, the persistence of the dispute over Western Sahara was a major source of concern.

Statements made in exercise of the right of reply

84. **Mr. Perry** (United Kingdom), replying to the statements made concerning the Falkland Islands and Gibraltar, said that the United Kingdom had no doubt about its sovereignty over the Falkland Islands, South Georgia, the South Sandwich Islands and the surrounding maritime areas. Nor did it doubt the right to self-determination, as enshrined in the Charter and in article 1 of two United Nations human rights covenants, by virtue of which the Falkland Islanders could determine their political status and freely pursue their economic, social and cultural development. His Government's relationship with the Falkland Islands as with all of its overseas territories was a modern one based on partnership, shared values, and the rights of the people of each territory to determine their own future.

85. Claims that hydrocarbon exploration in the Falkland Islands waters represented unilateral action were false. It was a legitimate commercial venture regulated by the legislation of the Falkland Islands government in strict accordance with the United Nations Convention on the Law of the Sea. Argentine domestic law did not apply to the Falkland Islands. The Falkland Islanders' desire to develop their hydrocarbons industry with the support and expertise of companies from around the world could potentially be of economic benefit to the wider economy of the South Atlantic region, and therefore should not be subject to unlawful sanction. Moreover, companies drilling in the waters surrounding the islands were obliged to work under some of the most stringent international standards and were regularly inspected. His delegation therefore welcomed the United Kingdom-Argentine joint communiqué following the visit of the British Minister of State to Argentina the previous month, during which it had been agreed that appropriate measures would be taken to remove all obstacles limiting the Islands' economic growth and sustainable development, including with regard to hydrocarbon exploration.

86. On the question of Gibraltar, the United Kingdom recalled its sovereignty over the Territory and the waters surrounding it and recalled that the United Nations had included it on its list of Non-Self-Governing Territories. As such, it enjoyed the rights accorded to it under the Charter. The 2006 Gibraltar Constitution, which had been endorsed in a referendum by the people of Gibraltar, provided for a modern and mature relationship between Gibraltar and the United Kingdom. His Government restated its longstanding commitment to the people of Gibraltar that it would not enter into arrangements under which Gibraltar would pass under the sovereignty of another State against its freely and democratically expressed wishes nor enter into a process of sovereignty negotiations with which Gibraltar was not content.

87. **Mr. Mazzeo** (Argentina), replying to the remarks of the representative of the United Kingdom regarding the Malvinas Islands, reiterated the statements made in recent months by the President of Argentina to the plenary Assembly and by its Minister for Foreign Affairs and Worship to the Special Committee. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an integral part of Argentine national territory that had been illegally occupied by the United Kingdom and were the subject of an internationally recognized sovereignty dispute.

88. That illegal occupation had led the General Assembly to adopt resolution 2065 (XX) and nine subsequent resolutions, all of which recognized the existence of the sovereignty dispute over the Malvinas Islands and called upon the two countries to resume negotiations in order to find a peaceful and lasting solution to the dispute as soon as possible. For its part, the Special Committee had adopted several resolutions, the most recent one in June 2016, and the General Assembly of the Organization of American States had adopted a new statement on the issue in similar terms that same month. The principle of the free self-

determination of peoples — the sole element underpinning the United Kingdom position, which it stated exclusively with regard to the Malvinas Islands — was totally inapplicable to the dispute between their two countries. The interests of the residents of the Malvinas Islands and their way of life were adequately covered by the relevant General Assembly resolutions and by the Constitution of the Argentine Republic.

89. Argentina rejected the continued British engagement in the exploitation of renewable and non-renewable resources in the maritime areas surrounding the Malvinas Islands, in contravention of international law and of General Assembly resolution 31/49. The joint communiqué of 13 September 2016 referred to by the United Kingdom delegation reflected the political willingness of both parties to resume dialogue on South Atlantic issues without exclusion and under the formula on sovereignty set out in the joint statement of 19 October 1989. Progress in each of the areas mentioned in the text would require negotiations, understandings and specific agreements. At the same time, the suspension of unilateral United Kingdom acts in the areas indicated would help create a climate conducive to the identification of tangible areas of cooperation on the South Atlantic. Argentina reaffirmed its legitimate right to adopt measures with regard to unilateral exploration and exploitation of the natural resources of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which were an integral part of Argentine territory.

90. **Mr. Prasad** (India), replying to the representative of Pakistan, said that he categorically rejected that representative's references to the Indian State of Jammu and Kashmir in another self-serving and disingenuous attempt to misuse the Committee to further its agenda of territorial aggrandizement. The issue was not on the Committee's agenda, and rightly so; the Committee dealt only with Non-Self-Governing Territories, while the Indian state of Jammu and Kashmir was an integral part of his country. Pakistan would be well advised to refrain from disrespecting the Committee's intelligence and adhering to the agenda.

91. **Ms. Sayed** (Pakistan) said that the representative of India had made untenable assertions regarding the dispute over Jammu and Kashmir in response to her delegation's statement under the agenda item on decolonization. It seemed strange that India continued to foist a factually incorrect position on the Committee year after year. Kashmir was internationally recognized as a disputed territory and was not an integral part of India. Repeating a false claim would not make it acceptable. The Declaration on the Granting of Independence to Colonial Countries and Peoples stated that all peoples under alien subjugation had the right to self-determination. In the case of Jammu and Kashmir, that right had been recognized by numerous Security Council resolutions and promised to its people by India and Pakistan. Their struggle was a legitimate one and entitled them to receive moral and political support from the international community.

The meeting rose at 6.10 p.m.